THE ACTS

BENGAL LIBRARY

PASSED BY THE

LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1873

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TITLES OF THE ACTS

PASSED BY

The Lieutenant-Governor of Bengal in Council

IN THE YEAR 1873.

Acts of 1873.

Act No. I—An Act to amend the Salt Act, 1864.

" II—An Act to amend the District Municipal Improvement Act and the District Towns' Act.

" III—An Act to amend Section 9, Act XI of 1849, and Section 27, Act XXI of 1856.

" IV—An Act for registering births and deaths.

" V—An Act to provide for the levy of a lighting-rate in Howrah.

" VI—An Act to amend the law relating to embankments and water-courses.

" VII—An Act to amend the law relating to the emigration of laborers to the districts of Assam, Cachar, and Sylhet, and to regulate contract labor and service.

LIBRARY

Act No. I of 1873.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of His Honor on the 15th February 1873, and of the Governor-General on the 7th March 1873.)

An Act to amend the Salt Act, 1864.

Preamble.

Whereas by "The Salt Act, 1864," being Bengal Act VII of 1864, Section 3, it is enacted that the word "Magistrate" means any person exercising the full powers of a Magistrate under the Code of Criminal Procedure, Act XXV of 1861; and whereas the said Act XXV of 1861 has been repealed by the Code of Criminal Procedure, Act X of 1872, by which later enactment new rules have been enacted, assigning the several powers of Magistrates of the first, second, and third classes:

And whereas reference is made in The Salt Act, 1864, to Act XIII of 1856 (*for regulating the Police of the Town of Calcutta, &c.*) and Act XLVIII of 1860 (*to amend Act XIII of* 1856), which enactments have been repealed, so far as they relate to the Town of Calcutta, by "The Calcutta Police Act, 1866," being Bengal Act IV of 1866:

It is hereby enacted as follows:—

Power of Magistrate under the Salt Act, 1864.

1. All the powers, which under the provisions of The Salt Act, 1864, may be exercised by a Magistrate, may be exercised by a Magistrate of the first or second class, subject to the provisions of Section XX of the Code of Criminal Procedure.

Price 6 Pies.

2. All offences, punishable under the provisions of The Salt Act, 1864, may be inquired into and tried by a Magistrate of the first or second class.

Offences under said Act to be tried by whom.

3. All references made to the said Act XIII of 1856, and the said Act XLVIII of 1860, in The Salt Act, 1864, shall be taken to be made to The Calcutta Police Act, 1866.

References in the said Act to Calcutta Police Act.

ACT No. II OF 1873.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 8th April* 1873, *and of the Governor-General on the* 16*th May* 1873.)

An Act to amend the District Municipal Improvement Act and the District Towns Act.

WHEREAS it is expedient, in modification of the District Municipal Improvement Act, being Bengal Act III of 1864, and the District Towns Act, being Bengal Act VI of 1868,

to provide for the election and rotation of municipal commissioners in places to which the operation of the said District Municipal Improvement Act has been or may be extended;

and to provide that such municipal commissioners may elect their vice-chairman;

and to provide that municipal bodies constituted under the provisions of the said District Municipal Improvement Act and the said District Towns Act shall be enabled to apply part of the funds under their charge to the establishment and maintenance of schools, and at the same time to ensure the voluntary application of the fund to such and similar purposes;

and, for the sake of convenience in keeping the public accounts, to empower the Government to fix the date of the commencement of the municipal year;

It is hereby enacted as follows:—

Municipal commissioners may be elected in places to which the District Municipal Improvement Act is extended.

1. The Lieutenant-Governor may at any time direct that the whole or any number, not less than two-thirds, of the municipal commissioners, whom he is empowered to appoint by section 6 of the said District Municipal Improvement Act, shall be elected by the rate-payers, subject to

such rules in regard to qualification and election as he may think fit. In any such election every person shall be entitled to vote who has paid the rate upon houses, buildings, and lands, that has become payable by him during the preceding year. All the provisions of the said section shall apply to commissioners so elected.

The Lieutenant-Governor may at any time withdraw such direction for the election of municipal commissioners.

Municipal commissioners to vacate office at the end of three years.

2 Save as is hereinafter provided, every municipal commissioner shall vacate his office at the end of three years.

Rotation of commissioners.

When municipal commissioners are for the first time appointed or elected in any place to which the said District Municipal Improvement Act shall have been extended, one-third of the whole number (exclusive of the officers declared to be *ex-officio* commissioners by section 7 of the said Act and section 7 of Bengal Act VII of 1867) shall retire at the end of one year, and another third at the end of two years, and the rest at the end of three years, to be computed from the first day of the year next following the date of the appointment or election of such commissioners. In case such whole number is not evenly divisible by three, the one-third shall be ascertained by taking the number next below it, which is evenly divisible by three, as the number to be divided. The commissioners who shall retire at the end of the first and second years respectively shall be decided by lot.

Application of rule to commissioners now holding office.

For the purposes of this section, the present municipal commissioners holding office in any place to which the said Act has already been extended shall be deemed to have been appointed on the date of the passing of this Act.

Application of rule separately to appointed and to elected commissioners.

When any commissioners have been elected under the provisions of the last preceding section, the foregoing rule for the rotation of commissioners shall be applied separately to the commissioners who have been appointed, and separately to the commissioners who have been elected.

Application when a commissioner has been appointed to fill a vacancy caused by resignation, discharge, removal, or death.

Any person appointed or elected to any vacancy caused by the resignation, or discharge, or removal, or death of a commissioner, shall fill such vacancy for the unexpired remainder of the term for which the outgoing member may have been elected or appointed.

Any person vacating office may be re-appointed or re-elected.

Any person who vacates office under the operation of the rule of rotation prescribed in this section may be at any time re-appointed or re-elected.

Municipal commissioners in places to which the District Municipal Improvement Act is extended, may be authorized to elect their vice-chairman

3. The Lieutenant-Governor may delegate to the municipal commissioners appointed under the said District Municipal Improvement Act the power to elect one of themselves to be their vice-chairman, subject to the approval of the Lieutenant-Governor. Provided that the vice-chairman, on the occurrence of a vacancy, shall always be elected by the commissioners, whenever any number of such commissioners has been elected under the provisions of section 1. Such vice-chairman shall hold office for one year, and shall be eligible for re-election at the end of each year, and may at any time be removed from office by the municipal commissioners by a resolution in favour of which not less than two-thirds of the commissioners shall have voted. Provided that it shall be lawful for the Lieutenant-Governor to sanction the election permanently, or for a term of years, of a salaried vicec-hairman if proposed by the commissioners.

The municipal fund may be applied to the establishment and maintenance of schools

4. In addition to the purposes to which the municipal fund may be applied under the provisions of section 16 of the said District Municipal Improvement Act, the said fund may be applied by the municipal commissioners, subject to the provisions of the said section, and subject to such conditions as the commissioners may think fit to impose, to the establishment and maintenance of schools.

5. In addition to the purposes to which the town fund may be applied under the provisions of section 13 of the said District Towns Act, the said fund may be applied, subject to the provisions of the said Act, and subject to such conditions as the committee may think fit to impose, to the establishment and maintenance of schools.

The town fund may be applied to the establishment and maintenance of schools.

6. Provided that no portion of the said municipal fund or of the said town fund shall be applied, under the provisions of sections 8 and 9 of Bengal Act VII of 1867, or of section 13 of said District Towns Act, or of this Act, to the establishment and maintenance of schools, or hospitals, or dispensaries, or to the promotion of vaccination, unless such application be sanctioned by the consent of a majority of the municipal commissioners or of the members of the town committee respectively, at a meeting specially convened for considering the question of such application.

No portion of the funds to be applied to schools, hospitals, dispensaries, or vaccination, unless by the vote of a majority at a meeting convened specially for the purpose.

7. For section twenty of the said District Municipal Improvement Act the following section shall be substituted:—

"20. The chairman or vice-chairman shall, for the transaction of the business connected with, or for the purpose of making any order authorized by this Act, exercise all the powers vested by this Act in the municipal commissioners. Provided that it shall not be lawful for the chairman or vice-chairman to act in opposition to, or in contravention of, any order of the commissioners at a meeting, or to exercise any power which it is by this Act expressly declared shall be exercised only by the commissioners at a meeting."

Chairman and vice-chairman to exercise the powers of the commissioners.

Proviso.

8. Notwithstanding anything contained in any of the Acts mentioned in the schedule hereto annexed, the Lieutenant-Governor may from time to time, by a notification in the *Calcutta Gazette*, fix the dates on which accounts and estimates shall be prepared and fur-

The Lieutenant-Governor may fix the dates to be observed by municipal bodies, and the date from which the year shall commence.

nished by the commissioners, the municipal commissioners, or the town committee, appointed under the provisions of the said Acts respectively; and the date of the first day of the year which shall be used by them for making estimates, regulating taxes, registering carts and other wheeled vehicles without springs, and doing all such things as by law they are required to do.

SCHEDULE.

Number of Act.	*Title.*
Act XXVI of 1850 ...	To enable improvements to be made in towns.
Bengal Act III of 1864 ...	The District Municipal Improvement Act.
Bengal Act VI of 1867 ...	For the better regulation of the police in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal.
Bengal Act VII of 1867 ...	To amend Act III of 1864.
Bengal Act VI of 1868 ...	The District Towns Act.

Reg. No. 15905—D. E. J.—300—20-12-77.

ACT No. III OF 1873.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 1st April 1873, and of the Governor-General on the 19th May 1873.

An Act to amend Section 9, Act XI of 1849, and Section 27, Act XXI of 1856.

WHEREAS it is expedient to amend Act XI of 1849 (*for securing the Abkari revenue of Calcutta*), and Act XXI of 1856 (*to consolidate and amend the law relating to the Abkari revenue in the Presidency of Fort William in Bengal*);

It is hereby enacted as follows :—

1. For section nine of the said Act XI of 1849 the following section shall be substituted :—

Fee, tax, or duty, payable for license.

"9. Whenever a license shall be granted under this Act, the Collector shall be authorized to demand, in consideration of the privilege granted, such fee, tax, or duty, as may from time to time be fixed with the sanction of the Board of Revenue; or a fee, tax, or duty, adjusted or regulated in such manner and in accordance with such rules as the Board of Revenue may prescribe; and such fee, tax, or duty, shall be specified in the license, and shall be payable in advance or at such periods as the said Board may direct."

2. For section twenty-seven of the said Act XXI of 1856, the following section shall be substituted :—

Fee, tax, or duty, payable for retail license.

"27. Persons taking out licenses for the retail sale of spirituous and fermented liquors as aforesaid shall pay for every such license such fee, tax, or duty, as may from time to time be fixed with the sanction of the

Board of Revenue; or a fee, tax, or duty, adjusted or regulated in such manner and in accordance with such rules as the Board of Revenue may prescribe; and such fee, tax, or duty, shall be specified in the license, and shall be payable in advance or at such periods as the said Board may direct. Any sale of spirituous or fermented liquors as aforesaid in less quantity than two imperial gallons or one dozen of quart bottles shall be held to be a retail sale."

ACT No. IV OF 1873.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 21st April* 1873; *and of the Governor-General on the 25th June* 1873.)

An Act for Registering Births and Deaths.

Preamble.

WHEREAS it is expedient to provide the means for a complete register of births and deaths; It is hereby enacted as follows:—

The Lieutenant-Governor may direct that all births or deaths, or births and deaths shall be registered in any area;

and may define limits of such area.

1. The Lieutenant-Governor may at any time, by a notification published in the *Calcutta Gazette*, direct that all births and deaths, or all births or all deaths, occurring within the limits of any area after a certain date to be named in such notification shall be registered, and for that purpose may define the limits of such area.

From and after such date this Act shall apply to the whole of the area so defined.

Magistrate may divide area into districts, and may appoint registrars.

2. The Magistrate of the district may, for the purpose of such registration, divide any such area into such and so many districts as he may think fit, and may appoint one or more persons to be registrars of births or of deaths, or of births and deaths, within such district, and may at any time for sufficient reason dismiss any such registrar, and may fill up any vacancy in the office of registrar.

Magistrate to publish list of registrars.

The Magistrate shall cause to be published a list containing the name and place of office of every registrar in the area, and specifying the hours of the day during which such registrar shall attend at his office for the purpose of registration.

3. Every registrar shall have an office within the district of which he is appointed registrar, and shall cause his name, with the addition of registrar of births (or of deaths, or of births and deaths, according to his appointment) for the district for which he is so appointed, and notice of the hours during which he will attend for the purpose of registration, to be affixed in some conspicuous place on or near the outer door of his office.

Every registrar to have an office in his district.

4. The Magistrate shall cause to be prepared a sufficient number of register books for making entries of all births or deaths or both, according to such forms as the Lieutenant-Governor may from time to time sanction; and the pages of such books shall be numbered progressively from the beginning to the end; and every place of entry shall be also numbered progressively from the beginning to the end of the book, and every entry shall be divided from the following entry by a line.

Commissioners to have registered books prepared and numbered.

5. Every registrar shall inform himself carefully of every birth, or of every death, or of both, according to his appointment, which shall happen in his district, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms mentioned in the last preceding section, touching every such birth or every such death, as the case may be, which shall not have been already registered.

Registrar to inform himself of, and register, births and deaths.

6. Every chowkeedar or other village watchman in any area to which this Act shall apply, or where there is no chowkeedar or other village watchman, such person as the Magistrate may appoint, shall be required to report every birth or death occurring within his beat to such registrar and at such periods as the Magistrate may direct. He shall obtain in writing, if possible, and if it is impossible for him to obtain in writing, he shall obtain verbally, from any person who is bound to give information of the birth or death, all particulars which are required to be known and registered, and he

Chowkeedar to obtain particulars and to report to registrar.

shall report such particulars to the registrar. Any chowkeedar or other village watchman, or other person so appointed, who wilfully or negligently refuses or omits to produce such writing, if any, or to report such birth or death, shall be punishable at the discretion of the magistrate with fine which may extend to two rupees.

Penalty for neglect.

7. The father or mother of every child born within such area, or in case of the death, illness, absence, or inability of the father and mother, the midwife assisting at the birth of such child shall, within eight days next after the day of every such birth, give information, either personally or in writing, to the registrar of the district, or by means of the chowkeedar, or other village watchman or other person as provided in the last preceding section, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable at the discretion of the magistrate with fine which may extend to five rupees. Provided that not more than one person shall be punishable at the discretion of the magistrate for such refusal or neglect to give information.

Persons bound to give information of birth.

Penalty for neglect.

8. The nearest male relative of the deceased present at the death, or in attendance during the last illness of any person dying within such area, or, in the absence of any such relative, the occupier of the house, or, if the occupier be the person who shall have died, some male inmate of the house in which such death shall have happened, shall, within eight days next after the day of such death, give information either personally or in writing to the registrar of the district, or by means of the chowkeedar or other village watchman, or other person as provided in section 6, according to the best of his knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Provided that no person shall be bound to give the name of any female

Persons bound to give information of death.

Penalty for neglect.

relative. Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable at the discretion of the Magistrate with fine which may extend to five rupees. Provided that not more than one person shall be punishable for such refusal or neglect to give information.

Penalty for registrar refusing to register.

9. Any registrar who refuses or neglects to register any birth or death occurring within his district, which he is bound to register within a reasonable time after he shall have been duly informed thereof, or demands or accepts any fee or reward or other gratification as a consideration for making such registry, shall be punishable at the discretion of the Magistrate with fine which may extend to fifty rupees for each such refusal or neglect.

Penalty for wilfully giving false information.

10. Whoever wilfully makes or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement touching any of the particulars required to be known and registered, shall be punishable at the discretion of the Magistrate with a fine not exceeding fifty rupees.

In a municipality under Act III of 1864 the commissioners may arrange for keeping a register of births or deaths, or both

11. In any place to which the District Municipal Improvement Act shall have been extended, the municipal commissioners may, if at a meeting specially convened for considering such question they shall so determine, arrange for keeping a register of all births or of all deaths, or of all births and deaths occurring within the municipality. On and after a date to be fixed at such meeting the commissioners shall in such case be authorized to provide out of the municipal fund for the employment of a sufficient number of registrars, and for the expenditure necessary for the maintenance of such registers, and shall exercise all the powers of a Magistrate under this Act; and all the provisions of this Act shall be deemed to apply to such place.

Magistrate may depute a subordinate Magistrate to discharge the functions of the Magistrate.

12. The Magistrate of a district may depute any subordinate Magistrate to exercise the powers and to perform the duties vested in the Magistrate by this Act, within such district or any part thereof.

Reg No. 15958—D. E. J.—300—21-12-77.

ACT No. V OF 1873.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 16th August 1873, and of the Governor-General on the 13th September 1873.)

An Act to provide for the levy of a lighting-rate in Howrah.

Preamble.

WHEREAS it is desirable to make further provision for lighting the town of Howrah with gas, by imposing a rate on those persons who benefit thereby,—

It is hereby enacted as follows:—

Limits of the Town of Howrah.

1. The expression "the town of Howrah" in this Act shall be taken to mean the area of the Howrah Municipality as defined by the Lieutenant-Governor under the provisions of Section 3 of the District Municipal Improvement Act, being Bengal Act III of 1864.

Municipal Commissioners may submit to the Lieutenant-Governor a plan for lighting.

2. It shall be lawful for the Municipal Commissioners from time to time to submit to the Lieutenant-Governor for his sanction a plan for lighting with gas any portion of the town of Howrah, whether so lighted already or not, such portion of the said town having been previously defined by the Municipal Commissioners at a meeting held for that purpose. The Lieutenant-Governor shall cause the plan to be published for one month in the *Calcutta Gazette*, and the Municipal Commissioners shall publish it in the vernacular in the town of Howrah; and after such publication, and after consideration of any objections which may be raised to it, or alterations suggested in it, the

Lieutenant-Governor may, if satisfied that the lighting proposed in the plan is proper and sufficient, sanction such plan; or may refuse his sanction thereto; or may return it to the Municipal Commissioners for alteration in certain particulars to be specified by him, and, when altered, may sanction it as altered. The Lieutenant-Governor shall cause his sanction to any plan to be notified in the *Calcutta Gazette*, and shall at the same time cause the plan sanctioned to be published in the said *Gazette*.

Lighting-rate not exceeding three per centum may, after sanction of plan, be imposed on houses, buildings, and lands.

3. After notification by the Lieutenant-Governor as in the last preceding section mentioned, it shall be lawful for the Municipal Commissioners to impose an annual rate not exceeding three per centum of their annual value upon all houses, buildings, and lands situated within such portion of the said town for the purpose of defraying the whole expense of lighting.

Proviso as to portions already lighted.

Provided that, as regards any portion of the said town already lighted with gas, and for the future lighting of which a plan shall have been sanctioned by the Lieutenant-Governor under the provision of the last preceding section, if it shall appear that the estimated proceeds of the said rate at three per centum will not be sufficient to defray the whole expense of such lighting, it shall be lawful for the Municipal Commissioners to impose a rate sufficient to defray the whole expense of lighting such portion.

Rate payable by occupiers quarterly in advance.

4. The rate imposed under Section 3 upon houses, buildings, and lands, shall be paid by the occupiers thereof by quarterly instalments in advance; but no rate shall be leviable until the lamps in the portion of the town to be lighted shall have been lighted; nor shall any rate be leviable for any quarter or portion of a quarter antecedent to such lighting.

Arable lands, &c., exempted from rate.

Arable lands and lands used for pasturage, and buildings used exclusively as places of public worship, or applied solely to charitable purposes, shall not be liable to the rate.

5. The annual value of the said houses, buildings, and lands shall be the value fixed by the Municipal Commissioners year by year under the provisions of Section 27 of the District Municipal Improvement Act. And all the provisions of the said Act, and of Bengal Act VII of 1867, relating to the assessment and collection of the rate on houses, buildings, and lands shall, except so far as they are modified by the provisions of this Act, be applicable to the assessment and collection of the lighting-rate.

Annual valuation how to be made.

Assessment and collection.

6. If any house, building, or land shall be occupied by more than one tenant holding in severalty, or shall be of less annual value than one hundred rupees, it shall be lawful for the Municipal Commissioners to recover the rate from the owner of such house, building, or land.

Power to assess owners in certain cases.

7. Whenever any rate shall be recovered from any owner of any house, building, or land under the provisions of the last preceding section, it shall be lawful for such owner, if there shall be but one occupying tenant of such house, building, or land, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and if there shall be more than one occupying tenant of such house, building, or land, then to recover from each of such tenants such sum as shall bear to the entire amount of rate which may have been so recovered from such owner, the same proportion as the value of the portion of such house, building, or land in the occupation of such tenant bears to the entire value of such house, building, or land, subject however to the provisions of Section 8 of this Act.

Owner to recover from the occupier rates paid by owner.

8. Every owner who under the provisions of the last preceding section may be entitled to recover any sum from any occupying tenant of any house, building, or land, or of any portion thereof, shall have for the recovery of such sum all such and the same

Owner may recover rate so paid as rent.

remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such house, building, or land as may be in the occupation of such tenant.

Occupier liable to the rate for time of occupation only.

9. Every occupier shall be liable to the lighting-rate for the time of his occupation. When any person shall have been an occupier for a part only of any quarter, he shall be liable only for so much of the rate for that quarter as may be proportionate to the number of days during which he shall have been an occupier. If he shall have paid the rate in advance, the amount paid in excess of the sum due under this section shall be refunded.

Excess paid in advance to be refunded.

No rate to be charged during vacancy.

No such rate shall be chargeable to any person on account of any unoccupied house, building, or land for the time during which it may remain unoccupied.

Notice of cession of occupancy to be given within seven days.

Provided always that when any person ceases to be the occupier of any house, building, or land upon which the rate has been assessed, he shall give the the Municipal Commissioners notice thereof within seven days from the date of the cessation of his occupancy. If the occupier fail to give such notice within such period, he shall be liable to the rate assessed on such house, building, or land for the whole quarter, although he may have occupied for a part only of such quarter; and in cases to which the provisions of Section 6 of this Act apply, the rate assessed on such house, building, or land for the whole quarter shall be recoverable from the owner, if such owner has failed to give notice that such house, building, or land is unoccupied, within seven days from the date on which it ceased to be occupied.

Unknown owner or occupier how to be designated.

10. When the name of the owner or occupier of any house, building, or land is not known, it shall be sufficient to designate him in any notice served, or proceeding held under this Act, as the owner or the occupier of the house, building, or land on which the rate is assessed, and without further description.

Situation of gas-pipe or other gas-work to be altered at the expense of the Commissioners.

11. If the Municipal Commissioners deem it necessary, for the purposes of this Act, to raise, sink, or otherwise alter the situation of any gas-pipe, or other gas-work, laid in any portion of the said town, they may from time to time, by notice in writing, require the person to whom any such pipe or work belongs, or under whose control it may be, to cause forthwith, or as soon as conveniently may be, any such pipe or work to be raised, sunk, or otherwise altered in position, in such manner as the Commissioners may direct; provided that such alteration be not such as permanently to injure such pipe or work, or to prevent the gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners out of the Municipal fund as well to the person to whom such pipe or work belongs as to all other persons.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.

12. If the person to whom any such pipe or work belongs, or under whose control it may be, do not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice, to cause the same to be raised, sunk, or altered in such manner as the Municipal Commissioners require, the Commissioners may themselves cause such pipe or work to be raised, sunk, or altered as they may think fit, provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before.

Construction.

13. This Act shall be construed with, and as part of, the District Municipal Improvement Act.

LIBRARY

ACT No. VI of 1873.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 2nd December 1873, and of the Governor-General on the 20th idem.)

An Act to amend the law relating to Embankments and Watercourses.

WHEREAS it is expedient that provision should be made for the better construction, maintenance, and management of embankments and watercourses in the territories subject to the Lieutenant-Governor of Bengal; it is enacted as follows:—

PART I.

Preliminary.

1. This Act may be called "The Bengal Embankment Act, 1873."

It extends to the whole of the territories subject to the Lieutenant-Governor of Bengal, except the province of Orissa and the Soonderbuns as defined under the provisions of Clause 2, Section 13, Regulation III of 1828.

And it shall come into force on the day of the passing thereof.

Repeal of former Acts

2. From such day Act No. XXXII of 1855 *(relating to embankments)* and Bengal Act No. VII of 1866 *(to make better provision for the acquisition of land for embankments and other matters relating thereto)* shall, except so far as relates to the province of Orissa and the said Soonderbuns, be repealed.

3. The following words shall, for the purposes of this Act, have the meanings hereby declared, save where, from the context, a contrary intention appears:—

Interpretation.

"Estate" means (1)—Any land or share in land subject to the payment to Government of an annual sum, in respect of which the name of a proprietor is entered on the register, known as the general register of all revenue-paying estates, or in respect of which a separate account may, in pursuance of Section 10 or Section 11 of Act XI of 1859, have been opened;

"Estate."

(2)—Any land entered in the register of revenue-free tenures;

(3)—Any land acquired under any rules issued by or under authority of Government for the sale, grant, or clearance of waste lands.

"Embankment" includes every bank, dam, wall, and dyke, made or used for excluding water from, or for retaining water upon, any land, and every sluice, spur, groyne, training wall, or other work annexed to or portion of any such embankment, and every bank, dam, dyke, wall, groyne or spur made or erected for the protection of any such embankment or of any land from erosion or overflow by or of rivers, tides, waves, or waters; and also all buildings intended for purposes of inspection and supervision.

"Embankment."

"Watercourse" includes a line of drainage, weir, culvert, pipe, or other channel for the passage of water, whether natural or artifical.

"Watercourse."

"Zemindar" means all or any of the holders of an estate; and where two or more zemindars are jointly holders thereof, they shall be jointly and severally liable under this Act.

"Zemindar."

"Tenure" includes all interests in land other than estates as above defined, held permanently at a fixed rental or held lakhiraj.

"Tenure."

"Proprietor."

"Proprietor" means the holder of a tenure.

"Public Embankment."

"Public embankment" means an embankment maintained by the officers of Government.

"Public watercourse."

"Public watercourse" means any water-course under the charge of the officers of Government.

"The Engineer."

"The Engineer" means the District Engineer or any engineer specially appointed by the Lieutenant-Governor of Bengal to perform the functions of an engineer under this Act.

"Collector."

"Collector" means any Collector, Deputy Collector or other Revenue Officer in independent charge of any district or portion of a district, or specially appointed by the Lieutenant-Governor of Bengal to perform the functions of a Collector under this Act.

"District."

"District" means the portion of territory throughout which any person vested with the powers of a Collector is authorised to exercise such powers

"Land."

"Land" includes interests in land and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth.

PART II.

Powers of Collector and procedure thereon.

Powers of Collector.

4. Under the conditions and in the manner hereinafter provided—

Power to take charge of embankments.

(1.) The Collector may cause any embankment which connects public embankments or forms, by junction with them, part of a line of embankments, or any embankment or watercourse which is necessary for the protection or drainage of the neighbouring country to be taken charge of and maintained by the officers of Government.

(2.) The Collector may cause to be removed or altered any embankment which endangers the stability of a public embankment, or any obstruction of any kind which interferes with the general drainage of any tract of land.

Power to remove embankments and obstructions.

(3.) The Collector may, when necessary, change the line of or lengthen any public embankment; or make a new embankment in the place of or renew any public embankment; or make an embankment in any place in which he may deem such embankment required for the protection of any lands, or for the improvement of any watercourse; or make a sluice in any public embankment.

Power to change line of embankment.

(4.) The Collector may construct any sluice or watercourse, or effect any alteration in any public watercourse, when such construction or alteration may be required for the improvement of the health, or for the protection of any village or cultivable land.

Power to improve drainage.

(5.) The Collector may call upon the person in charge of any road which interferes with the drainage of any tract of land to alter such road, or to construct any watercourse under or through such road. In the event of such person failing to comply with such requisition in such manner and within such time as the Collector shall prescribe, the said Collector may cause the road to be altered, or a watercourse to be constructed. The expenses of such alteration or construction shall be borne by the person in charge of the said road, so far as the same shall have been incurred on account of insufficient provision having been made at the time of the construction of the said road for the natural drainage then existing.

Power to alter roads and construct watercourses.

(6.) If any landholder, farmer, or cultivator be desirous of having a sluice made in any public embankment for the purpose of drainage or irrigation, he shall make an application in writing to the Collector of the district in which such embankment is situate. The application shall contain such particulars of the land to be drained or

Applications for sluices to be made to Collector.

irrigated as may enable the Collector to judge of the advantage which may be derived from the work. The Collector shall decide whether it is expedient that such application shall be granted.

Application for new embankment or drainage to be made to Collector.

(7.) Whenever any person is desirous that any new embankment be erected, or that any new water-course be made, or that any water course be obstructed or diverted, if such work is likely to interfere with, counteract, or impede any public embankment or any public watercourse, he shall apply to the Collector, and at the time of making such application shall deposit with him a statement of the proposed work. The Collector shall decide whether it is expedient that such application shall be granted.

Procedure.

5. When it shall appear expedient to the Collector that any of the works specified in the last preceding section should be executed, he shall cause to be prepared plans, specifications, and estimates of the proposed works, together with a copy of the survey map showing the boundaries of the villages of the various estates likely to be affected by the said works, and he shall cause a proclamation to be issued giving notice of his intention to cause such works to be executed. Such proclamation shall be in the form, and state the particulars mentioned in Schedule (A) annexed to this Act; and the plans, specifications, and estimates of the proposed works, together with a copy of the survey map as aforesaid, shall be kept at the office of the Collector and shall be open to the inspection of any interested person who shall be allowed to take copies thereof. The Collector shall not commence any of such works until final order made in respect thereto under the provisions of Sections 8, 59, and 60 of this Act.

Publication of proclamation.

6. Every such proclamation shall be published by affixing the same at the cutcherry of the Collector, and in the manner provided in the third clause of Section 57.

7. Every such proclamation shall be published not less than thirty days before the day appointed for hearing the persons interested.

Proclamation to be published for thirty days.

8. The Collector shall, on the day appointed for the hearing, or on any subsequent day to which the hearing shall be adjourned, hear the objections of any persons who may appear, and, after recording any evidence which they may adduce, shall pass an order in regard to the execution of the proposed works. Notice of such order shall be served on such persons as may have appeared in pursuance of the proclamation.

Hearing of objections to works.

9. If the lands, which are likely to be affected by any such proposed works, are situated within the limits of different districts, the Collector of any district, within which any portion of such lands is situated, shall apply to the Commissioner of the division for authority to proceed in such matter; and the Commissioner of the division, if all the lands are situated within his division, may give authority to such Collector, or to any other Collector within whose district any portion of such lands is situated, to proceed in respect of all the lands likely to be affected by such works.

Authority to take proceedings where lands likely to be affected by the works are in different districts;

If the districts, within which the lands likely to be affected by any such works are situated, are subject to the Commissioners of the different divisions, the Collector shall apply to the Commissioner of the division within which his district is situated, and such Commissioner may, with the concurrence of the Commissioner to whom the other district is subject, give authority to proceed in such matter.

or different divisions.

10. All the powers vested in the Collector by Section 4 of this Act, may be exercised by the Engineer in cases referred to him by the Collector, subject to the general orders of the Collector.

The Collector may delegate certain powers to Engineer.

PART III.

Procedure in cases of imminent danger to life or property

Proceedings in emergencies.

11. Whenever the Collector shall be of opinion that the proceedings commenced by notice under Sections 5 to 8 of this Act would cause delay in the exercise of any of the powers conferred upon him by Clauses 2, 3, and 4 of Section 4, likely to be attended with grave and imminent danger to life or property, it shall be lawful for him forthwith to commence to exercise such powers Provided that he shall forthwith cause to be prepared the plans, specifications, and estimates of the proposed works, together with a copy of the survey map as provided in Section 5, and shall cause a proclamation to be issued as provided in that section giving notice that the work mentioned therein has already been commenced, and thereupon such proceedings and inquiries shall be had as in and by Part II of this Act are directed.

Power to take possession of land

12. Whenever any land, or earth from any land the property of any person, is required for the purposes of any works commenced in pursuance of the provisions of the last preceding section, or for the purposes of Section 18 in cases where the Collector shall be of opinion that proceedings for the acquisition of such land according to the provisions hereinafter contained in Section 25, would cause delay as aforesaid, the Collector shall cause a proclamation to be issued in form in Schedule (B) annexed to this Act, giving notice thereof at convenient places in the locality in which such land is situated, and he may at the same time take possession of the same for the said purposes.

Compensation for standing crops and trees.

13. The Collector shall ascertain and record the nature and estimated value of the crops and trees (if any) standing on such land, and shall offer adequate compensation to the persons interested. If such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions of Section 29.

Power to Engineer to act in absence of Collector

14. The Collecter may depute to the Engineer the powers described in Sections 11, 12, and 13 subject to his own general orders, and in that case when the Collector is not present the Engineer may, if he shall be of opinion that delay for the purpose of obtaining the orders of the Collector would be attended with grave and imminent danger to life or property, exercise the powers conferred on him by the Collector.

Power to restore embankments, &c.

15. Whenever, upon an inquiry had under the provisions of this Part, it has been determined in the final order to be passed on such inquiry that anything done by the Collector, or by the Engineer under the last preceding section, was unnecessary, the land or the embankments or drainage shall, so far as any alteration thereof shall appear to be unnecessary, be at the expense of the Government restored as nearly as possible to the state in which they were when the Collector commenced to act under the provisions of this Part; and any person who shall have sustained loss, damage, or injury by the execution of such works, shall receive compensation from the Government to be assessed according to the provisions contained in Part V of this Act.

Section 9 to apply to proceedings under this Part.

16. The provisions of Section 9 shall be applicable to proceedings taken under this Part.

PART IV.

Powers of Engineer.

Engineer subject to control of Collector.

17. The power conferred on the Engineer under this Part shall be exercised subject to the general control and orders of the Collector.

Power to make repairs.

18. The Engineer may make any repairs in, and may do all acts necessary and proper for the maintenance of any public embankment, public watercourse, or other work executed or taken charge of under the provisions of this Act, or of any of the Acts repealed by this Act.

Power to alter railroads or construct watercourses.

19. The Engineer may call upon the manager, or other person in charge of any railroad which interferes with the drainage of any tract of land, to alter such railroad or to construct any watercourse under or through such railroad. In the event of such person failing to comply with such requisition in such manner and within such time as the Engineer shall prescribe, the Engineer may thereupon, with the previous sanction of the Lieutenant-Governor cause the said railroad to be altered, or a watercourse to be constructed in such manner as the Lieutenant-Governor shall direct. The expenses of such alteration or construction shall be borne by the said manager, or other person in charge of the said railroad, so far as the same shall have been incurred on account of insufficient provision having been made at the time of the construction of the said railroad for the natural drainage then existing.

Power to make temporary roadway, watercourse or dam.

20. Whenever any person is desirous that a temporary roadway should be made over, or that a temporary watercourse should be made through, any public embankment, or that a temporary dam should be constructed in any embanked river or public watercourse, he shall apply to the Engineer, who shall communicate the application to the Collector, and the Collector shall pass such orders thereon as he shall think fit. If the proposed work is to be executed by an officer of Government, the applicant, before the commencement of the work, shall deposit the amount estimated by the Engineer to be necessary to defray the expenses of, and incidental to, making and removing such roadway, or of, and incidental to, making and closing or removing such watercourse or dam. If the amount deposited is found insufficient, the Engineer shall recover from the said applicant the further amount required, and if it exceeds the amount required, such excess shall be returned to the said applicant.

Power to remove houses.

21. Whenever the Engineer shall be of opinion that the removal of any trees, houses, huts, or other buildings, situated between a public embankment and the river, is necessa y, he shall make a report to that

effect, accompanied by a detailed statement of the trees, houses, huts, or other buildings to be removed, to the Collector of the district in whose jurisdiction the land on which such trees, houses, huts, or other buildings stand, is situated; and the Collector shall report the same to the Lieutenant-Governor in order that proceedings may be taken, in accordance with the provisions of "The Land Acquisition Act X of 1870," or other law for the time being for the acquisition of land for public purposes, for obtaining possession of such trees, houses, huts, and buildings. Provided always that in case the Collector be of opinion that the delay required by such proceedings is likely to be attended with grave and imminent danger to life or property, it shall be lawful for him forthwith to cause such trees, houses, huts, or buildings to be removed, and in such case the compensation due therefor shall be ascertained and paid in the manner hereinafter provided.

Sluices to be opened or shut under authority of the Engineer.

22. Sluices constructed in any public embankment shall be opened or shut only by or with the general or special permission of the officer in the immediate charge of the embankment, under such orders, either general or special, as he may receive from the Engineer.

Power to appropriate land or earth for embanked towpath.

23. In any case where an embanked towpath has heretofore been maintained by Government alongside any canal, river, khal, or channel, the Engineer shall be entitled to appropriate without payment, as heretofore, land or earth for the maintenance, repair, or reconstruction of such embanked towpath. If in any case the Engineer shall consider it necessary for the purposes of towing to enlarge an existing towpath, or to construct a new towpath, proceedings shall be taken in accordance with the subsequent provisions of this Act relating thereto.

Power to enter and survey land, &c.

24. It shall be lawful for the Engineer, or any person whom he may authorize in that behalf, in order to carry out any of the purposes of this Act,

to enter upon, and survey, and take levels of any land;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted to the purpose projected by such Engineer; or by the Collector;

Power to mark out line.

to set out the boundaries of the land proposed to be taken, and the intended line of the work proposed to be made thereon;

to mark such levels, boundaries, and line, by placing marks and cutting trenches;

Power to clear land.

and, where otherwise the survey cannot be completed or the levels taken, to cut down and clear away any part of any standing crop, fence, or jungle.

Previous notice of entry.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

The Engineer or other person so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

PART V.

Acquisition of lands.

Acquisition of land.

25. Whenever in the course of proceedings under this Act, save in those cases in which the Collector has proceeded under the provisions of Part III, it appears that land is required for any of the purposes thereof, proceedings shall be forthwith taken for the acquisition of such land in accordance with the provisions of the Land Acquisition Act X of 1870, or any other law for the time being for the acquisition of lands for public purposes.

26. Whenever any land shall have been taken or used under the provisions of Part III, the Collector shall cause a proclamation to be issued in form in Schedule (C) annexed to this Act at convenient places on or near the land so taken, stating that Government has taken possession of the land, and that claims to compensation for all interests in such land shall be made to him. Thereupon the land shall vest absolutely in the Government free from all encumbrances, subject however to the claims for compensation to be ascertained in manner as in this Part is provided.

When land taken, proclamation to be published.

27. Such proclamation shall state the particulars of the land so taken, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of issuing the proclamation), and to state the nature of their respective interests in the land, and the amount and particulars of their claims to compensation for such interest.

Contents of proclamation

28. The Collector shall also serve notice to the same effect on the occupier (if any) of such land, and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

Further notice to be served on certain parties

29. After service of such notice proceedings shall be had and taken to determine the amount of compensation to be payable in respect of such land, in accordance with the provisions of the Land Acquisition Act X of 1870, or any other law for the time being in force for the acquisition of land for public purposes.

Proceedings after notice.

30. Whenever any land other than land required or taken by the Engineer, or any right of fishery, right of drainage, right of the use of water, or other right or property, shall have been injuriously affected by the due exercise of the powers or provisions of this Act, the person

Compensation for consequential damage

in whom such property or right is vested may prefer a claim by petition to the Collector for compensation.

Application to be made within two years

31. No claim shall be entertained which shall be made later than two years next after the completion of the work by which such right is injuriously affected.

Procedure for such compensation

32. When any such claim is made, proceedings shall be taken in view to determine the amount of compensation, if any, which should be made and the person to whom the same should be payable, in accordance with the provisions of the Land Acquisition Act X of 1870, or any other law for the time being in force for the acquisition of land for public purposes.

Matters to be considered in determining compensation.

33 In determining the amount of compensation to be awarded in such cases, the Judge and Assessors shall take into consideration—

First, the market value of the property or right injuriously affected at the time of acquiring the land;

Secondly, the damage sustained by the claimant by reason of such acquisition injuriously affecting the property or right;

Thirdly, the consequent diminution of the market value of the property or right injuriously affected at the time of acquiring the land.

But the Judge or Assessors shall not take into consideration—

Matters not to be considered in determining compensation

First, the degree of urgency which has led to the acquisition;

Secondly, any damage sustained by the claimant, which, if caused by a private person, would not in any suit instituted against such person justify a decree for damages.

Land, &c, taken possession of to vest in Government.

34. All buildings, land, earth, pathways, sluices, gates, bermes, hedges, belonging to, or forming part of, any embankment or watercourse, of which charge has been or may hereafter be taken by the officers of Government, shall vest in the Government, and shall be held on behalf of the Government in respect

of the embankments mentioned in Schedule (D) annexed to this Act, and in respect of other works on behalf of the persons interested in the lands to be protected or benefited by such embankment or watercourse, subject to the provisions of Section 63; and all monies received on account of such lands shall be payable to the Engineer and credited to the cost of the construction and maintenance of such works respectively.

PART VI.

Cost of Works, Proceedings, &c.

1. Ascertainment thereof.

Embankments in Schedule (D).

35. The provisions in this Part contained shall not apply to any of the embankments mentioned in Schedule (D) to this Act annexed, save so far as any works or repairs are executed therein or in relation thereto under the provisions of Section 4, Clause 7, or Section 20 of this Act; or to any of such embankments as may hereafter be erected for the protection of lands which at the time of the passing of this Act are protected by the embankments mentioned in the aforesaid Schedule, save so far as the erection of such embankments may protect lands not protected by the embankments mentioned in the aforesaid Schedule. All sums payable in respect of any works or repairs executed therein, or in relation to the embankments mentioned in the aforesaid Schedule except under the provisions of Section 4, Clause 7, or Section 20 of this Act, shall be paid by the Government.

Exclusion from Schedule.

If at any time after the passing of this Act, on inquiry made by the Collector as far as possible in accordance with the provisions of Part II of this Act, it shall be found that it is unnecessary for the public interests to retain any embankment mentioned in Schedule (D), the Licutenant-Governor may direct that the same shall be no longer included in the said schedule. Provided that the Lieutenant-Governer may restore the same to the said schedule if, on any

subsequent inquiry similarly conducted, it shall appear to the Lieutenant-Governor that it is necessary so to do.

Addition to Schedule.

The Lieutenant-Governor may at any time after the passing of this Act, by a notification published in the *Calcutta Gazette*, direct that any embankment not mentioned in Schedule (D) be included in the said schedule, and the provisions of this section shall apply to such embankment.

Contribution of public money towards the maintenance of the embankments in the pergunnahs entered in Schedule (F) to be continued.

36. In accordance with the custom heretofore in force in respect of the pergunnahs entered in Schedule (E) annexed to this Act, the Government shall continue to contribute annually the sum noted therein for each pergunnah respectively towards the maintenance of the embankments thereof.

If such embankments are declared to be public, Collector to keep a separate account.

If the embankments maintained in any such pergunnah shall at any time be declared to be public embankments under the provisions of Section 4, the Collector shall, from the date of such declaration, keep a separate account for such pergunnah, in which the aforesaid sum shall be credited at the commencement of each financial year. The unexpended balance at the close of each year shall be carried on to the credit of the account in the next succeeding year, and shall be available for the cost of repairing or erecting all the embankments which it may be deemed necessary to maintain in such pergunnah.

Contribution may be discontinued if it be found unnecessary for the public interest to maintain the embankments.

If at any time after the passing of this Act, on an inquiry made by the Collector as far as possible in accordance with the provisions of Part II, it shall be found that it is unnecessary for the public interest to retain any embankment in either of the said pergunnahs, the Lieutenant-Governor may direct that such contribution shall cease in respect of such pergunnah. Provided that such contribution shall again be made in accordance with the provisions hereinbefore contained, if it

shall appear to the Lieutenant-Governor, on the report of an inquiry similarly conducted, that the maintenance of any embankment in such pergunnah has again become necessary for the public interest.

Estimates and specifications to be prepared.

37. Specifications of any works or repairs to be executed under the provisions of this Act, and estimates of the expenses to be incurred therein or relating thereto, including such proportion of establishment charges as the Lieutenant-Governor shall direct, shall be prepared by the Engineer as soon after the month of October in each year as may be practicable. And whenever it appears that the actual expenses to be incurred will exceed the amount mentioned in the said estimates by one-tenth, the Engineer shall forthwith prepare further estimates, and, if necessary, further specifications. Copies of all specifications and estimates shall be transmitted to the office of the Collector, together with vernacular translations thereof, or such abstracts thereof as the Lieutenant-Governor may from time to time direct, and may be examined by any person interested in such works or repairs. Notice of the receipt of specifications and estimates shall be served for all estates chargeable for, or likely to be affected by, the said works or repairs; and should any objection in regard to the amount of such expenses be preferred by any such person within a period of one month from the date of such notice, the Collector shall pass such orders as may appear to him reasonable and proper. Such order shall be subject in any case to an appeal by the person making such objection to the Commissioner of division whose decision shall be final.

Preparation and settlement of accounts.

38. The accounts of the actual expense incurred in executing any works or repairs shall be prepared as soon as possible after the completion thereof. The Engineer shall sign a certificate stating the true amount of all such expenses, and the names of the estates chargeable for, and of the estates and villages affected by, the said works and repairs. Copies of the said accounts and certificates

shall be forwarded to the office of the Collector, and may be there examined by any person interested. Notice of the receipt thereof shall be served for the said estates and villages, and such others as in the opinion of the Collector are liable to contribute to the payment of the said amount; and if, within thirty days from the service of such notice, any interested person shall object to the accounts on the ground, either that the work charged for has not been performed, or that the whole sum charged has not been expended, or that the rates of charge are higher than those mentioned in the estimates, the Collector shall inquire into such objection, and may pass any order thereon, subject in any case to an appeal by the objector to the Commissioner of division whose decision shall be final.

Total sum payable

39. The Collector shall add to the amount appearing in the said certificate, all sums which have been paid or have become payable in respect of compensation, costs and expenses under and incidental to any proceedings taken or directed to be taken under Parts II and V of this Act, including costs of all surveys and plans He shall thereupon make an order specifying the total sum found payable, and in respect of works done under Section 4, Clause 5, and Sections 19 and 20, the persons by whom, or in respect of other works the estates in respect of which, the same is payable to him. If the order is made in respect of work done under Section 4, Clause 5, and Sections 19 and 20, the same shall forthwith be served upon the party or parties liable to pay; otherwise the Collector shall proceed under the provisions in the next Chapter contained.

Interest.

Interest may be charged upon any sum paid as compensation from the date of payment thereof at such rate, not exceeding 5 per centum per annum, as the Lieutenant-Governor may direct.

Parties liable to pay.

40. The said total sum, save so far as is otherwise provided in this Act, shall be paid to the Collector by the zemindars of the estates in which are situated the lands benefited or protected by the repairs or works executed. Provided that where any specific sum has hitherto

been annually demanded in respect of any embankment not included in Schedule (D), and when the said embankment is at the time of this Act coming into operation being maintained by Government, then such special payments shall, after the passing of this Act, thenceforth cease and determine.

Every zemindar, who is liable under this rule for the payment of the whole or a portion of such total sum, shall be entitled to recover from the proprietor of every tenure which is declared to be a part of his estate, the sum apportioned to such tenure by the Collector, under the provisions of Section 45. And similarly, every proprietor shall be entitled to recover from the proprietor of any subordinate tenure, which is declared to be a part of his tenure, the sum apportioned to such subordinate tenure by the Collector, under the said provisions.

2. APPORTIONMENT THEREOF.

Notice to be given before apportionment.

41. So soon as the total sum payable as aforesaid has been ascertained, the Collector shall cause a notice to be served for every one of the said estates and villages mentioned in Section 38. Every such notice shall specify the estates and villages aforesaid, and that an inquiry will be held at a day and place therein named for the purpose of apportioning amongst the zemindars and proprietors the said total sum, with interest and the costs of apportionment.

Mode of inquiry as to the proportion chargeable to each estate.

42. On the day fixed in the said notice, which shall not be less than thirty days later than the date of any service of such notice, the Collector shall proceed to make the said inquiry. In making this inquiry he shall receive such evidence as may be tendered by, or on behalf of, the said zemindars and proprietors, and by, or on behalf of, any other persons who may claim to be interested therein.

Names of proprietors.

43. In any such inquiry the Collector shall take down in writing the names of all persons who may claim, or who may be alleged by any party interested, to be proprietors of tenures within any of the estates

mentioned in such notice. In default of appearance of any such person, the Collector shall issue and serve a notice calling on him to appear at a date and place therein mentioned, and to show cause against being included in the order of apportionment to be made therein, and shall adjourn the inquiry till such date.

Apportionment amongst zemindars.

44. At such or any subsequently adjourned inquiry, the Collector, if there be only one estate liable, shall charge the zemindar thereof with the total amount payable; and if there be two or more estates, he shall apportion the same amongst the zemindars thereof, rateably in proportion to the respective benefits derived by such estates from such works or repairs; or in proportion to the areas of the lands benefited or protected thereby, and comprised within such estates respectively; or with the sanction of the local Government in proportion to the amount of revenue respectively payable for such estates, if, before the passing of this Act, such proportion has been usually adopted.

Provided that the said total amount payable in respect of the embankments on the right bank of the river Gunduck shall be chargeable, in accordance with the custom in force for such estates, to the zemindars of all the estates situated in the district of Sarun, in proportion to the amount of revenue respectively payable for such estates.

Proviso in respect of the pergunnahs in Schedule (E.)

Provided also that the sum standing to the credit of a pergunnah in Schedule (E) in the account kept by the Collector, at the time when the total amount payable is fixed under the provisions of Section 39, shall be deducted from the total amount payable in respect of such portion of any embankment as is situated in such pergunnah; and that the zemindars of the estates situated therein shall be charged only with the balance of the amount (if any) which may remain payable.

Apportionment amongst proprietors.

45. The Collector shall, in like manner, apportion, except in respect of the said Gunduk embankments, the amount payable in respect of each

estate amongst all the tenures therein rateably in the proportion of benefit so received or area so benefited or protected, first deducting therefrom such sum as, on the like principle of proportion, is payable in respect of such portion of the estate as is not included within any tenure.

Apportionment where the lands held without payment of rent, not being estates on the register of revenue-free tenures.

46. All lands held without payment of rent not being estates entered in the register of revenue-free tenures, shall, for the purposes of this Act, be deemed to form a part of the tenure within the local boundaries of which they are included; and, if they are not included within the local boundaries of any tenure, then to be a part of the estate within the local boundaries of which they are included; and if they are not included within the local boundaries of any estate, then to be a part of such conterminous estate as the Collector, in whose district such conterminous estate is situated, shall, by an order under his seal and signature, declare.

Amount apportioned payable by instalments.

47. The amount apportioned to any estate or tenure shall be payable in equal instalments on such days as the Lieutenant-Governor shall direct, provided that no instalment shall exceed four annas for every acre of land in respect of which the same is payable, and that not more than four instalments shall be payable in any one year.

Interest.

Interest shall be charged on the unpaid portion of the said amount from the date of the same becoming due until payment thereof at such rate, not exceeding five per centum per annum, as the Lieutenant-Governor shall from time to time determine.

Final order of apportionment.

48. On the completion of the apportionment the Collector shall make an order specifying the estates and tenures, and the several sums payable in respect thereof, the instalments of such sums, and the dates on which the same are payable.

3. Recovery thereof

Orders for payment.

49. The Collector shall, within thirty days from the final order of apportionment, make and serve for every estate therein mentioned an order, stating the amount with interest due in respect thereof, and that the same is payable to him, and the date or dates at which such amount or instalments thereof shall become payable to him.

Recovery from zemindars.

50. If such sum or any instalment thereof be not, pursuant to the said order, paid, the same with interest shall be recoverable as arrears of a demand under the provisions of Bengal Act VII of 1868 (*to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*).

Recovery by zemindars or proprietors.

51. Every zemindar or proprietor to whom any sum or instalment thereof is payable under the said order, may recover the same with interest as aforesaid in the manner provided for the recovery of arrears of rent in respect of putnee tenures by the provisions of Clauses 2 and 3 of Section 8, Sections 9, 10, 14, 15, and Clauses 1, 2, and 3 of Section 17 of Regulation VIII of 1819, as amended by Bengal Act VIII of 1865; provided that the right or interest of any person holding from the proprietor of such tenure shall not be affected by any sale held under these provisions.

PART VII.

Miscellaneous.

Penalty for obstructing persons in exercise of powers of Act.

52. Whoever wilfully obstructs any person duly authorized under this Act in removing or levelling any embankment, house, hut, or other building, or in the lawful exercise of any of the powers in this Act conferred, shall, in case such obstruction shall not amount to an offence within the provisions of the Indian Penal Code, be liable to imprisonment of either description for any period not exceeding six months at the discretion of the Magistrate, or to fine not

exceeding two hundred rupees, commutable, if not paid, to a period of imprisonment not exceeding six months.

Penalty on unauthorized interference with embankments or drainage

53. Every person who, without the previous permission of the Engineer, shall erect, or cause or wilfully permit to be erected, any new embankment, or shall obstruct or divert, or cause or wilfully permit to be obstructed or diverted, any watercourse, if such embankment or watercourse is likely to interfere with, counteract, or impede, any public embankment or any public watercouse, or shall abet any such act, shall be liable on conviction to a fine not exceeding five hundred rupees, or in default of payment, to imprisonment of either description for a period not exceeding six months.

Penalties for injuring works under Act.

54. No person shall without due authority, cut through, or attempt to cut through, any public embankment, or destroy, or attempt to destroy any such embankment, or open or shut, or obstruct any sluice in any such embankment, or any public watercourse; and every person who shall commit any breach of the provisions of this section shall, in case the act shall not amount to mischief within the meaning of the Indian Penal Code, be liable to imprisonment of either description for a term not exceeding one month, or to a fine not exceeding two hundred rupees.

Penalties for diverting rivers or permitting cattle to graze on embankments.

55. Every person who shall make any dam or other obstruction for the purpose of diverting or opposing the current of a river wherein or whereon there are public embankments, without the permission of the officer in immediate charge of the embankments, or shall refuse or neglect to remove any such dam or obstruction when so required by the Engineer, or shall cut or otherwise alter the banks of any embanked river, or shall remove the earth from any public embankment, or shall drive stakes into it, or by any other wilful act destroy or diminish the efficiency of such embankment; and every person who shall cause or knowingly and wilfully permit any cattle to graze upon any such embankment, or shall tether, or

cause or wilfully permit any cattle to be tethered upon any such embankment, or who shall root up any grass or other vegetation growing on any such embankment, shall be liable to imprisonment of either description for a term not exceeding six months, or to a fine not exceeding two hundred rupees.

Obstructions to be removed and damage repaired.

56. Whenever any person is convicted of an offence under either of the three last preceding sections, the convicting Magistrate may order that he shall remove the embankment or obstruction, or repair the damage, in respect of which the conviction is held, within a period to be fixed in such order. If such person neglects or refuses to obey such order within the fixed period, the Engineer may remove such embankment or obstruction, or repair such damage, and the cost of such removal or repair shall be levied from such person in addition to any other penalty in the manner provided in Section 307 of the Code of Criminal Procedure.

Service.

57. Every proclamation, notice or order in and by this Act required to be served may, unless when otherwise provided, be served—

(1) by delivering a copy of the same to the person to whom it is directed, or on failure of such service by posting a copy on some conspicuous part of the house in which the said person resides, or by delivering a copy to any agent authorized to appear generally for the person to whom such proclamation, notice or order is directed ; or

(2) by sending a registered letter containing a copy of such proclamation, notice or order directed to the said person at his usual place of abode, or at the place where he may be known to reside ; or

(3) by posting a copy of the proclamation, notice or order at the mal-cutcherry of the estate, village or tenure to which the same relates ; or if no such mal-cutcherry be found, on some conspicuous place on the said estate, village or tenure, and by delivering, in the case of estates paying their annual revenue by four instalments, another copy thereof to the agent who shall have

paid an instalment of revenue next before or after the preparation of such proclamation, notice or order. In all cases where two or more persons are holders of an estate, village or tenure service under this clause shall be deemed to be good and sufficient service on each and all of such persons.

No proceedings to be impeached for want of form.

58. No proceedings under this Act shall be impeached or affected by reason of any mistake in the name of any person thereby rendered liable to pay any sum of money, or in the description of any estate or tenure or land in respect of which he is rendered liable to pay; provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall for want of form be quashed or set aside in any Court of Justice.

Appeal from orders made on objection.

59. Every order passed by the Collector in respect to applications under Section 4, Clauses 6 and 7, or under Sections 8, 39, and 48, shall be appealable to the Commissioner of Revenue, and every order of the Commissioner, except when otherwise directed by this Act, shall be appealable to the Board of Revenue, but no appeal shall lie under this section against any order unless the same be presented within one month from the date of the order.

Orders to be final.

60. Subject to the right of appeal above-mentioned and to the order and control of Government, every order passed under the provisions aforesaid shall be final, and shall not be open to revision by any Civil Court.

Powers on inquiry and appeal.

61. In any inquiry or appeal held under this Act, the Collector and the Commissioner shall respectively have the same powers as those conferred on courts by the Code of Civil Procedure of summoning and examining witnesses and compelling the production of documents.

General control of Commissioner and Government.

62. All the powers of a Collector under this Act shall be exercised under the general control and orders of the Commissioner of the Division, and all the powers of Collectors and Commissioners shall be

exercised subject to the general control and orders of the Board of Revenue and of the Government.

Disposal of lands no longer required for embankments.

63. Whenever the maintenance of any public embankment, or the retention of any land appropriated to the purposes thereof, may no longer be required, and the permanent relinquishment of the same may be deemed expedient, such land shall be conveyed by the Collector to the proprietor of the land, within the limits of which it may be situated, on payment of the compensation, if any, which was paid for such land when the same was taken for the purpose of the embankment. If the proprietor of such lands refuse or neglect to pay such price within a reasonable time after demand, the same shall be sold by the Collector for such price as he can obtain for the same. All sums obtained for the conveyance of lands under the provisions of this section shall, after the payment of all expenses incurred on account of the same, be applied to the payment of the cost of any new embankment or drainage works affecting the said lands, and in such case the residue only of the cost of such new works shall be charged upon the zemindars of estates benefited as hereinbefore provided.

Collector may delegate any of his powers to a Deputy Collector.

64. A Collector may delegate any of his powers under this Act to a Deputy Collector, but from any order passed by a Deputy Collector to whom powers have been so delegated, an appeal shall lie to the Collector if presented within thirty days of the date of the order.

Jurisdiction.

65. All offences created by this Act shall be inquired into and tried by a Magistrate of the first or second class.

Saving of Bengal Act V of 1871.

66. Nothing in this Act shall affect the provisions of "The Hooghly and Burdwan Drainage Act, 1871."

SCHEDULE OF FORMS.

SCHEDULE A.—(*Referred to in Section* 5.)

All persons interested are hereby required to take notice that it is my intention to

[*here state the nature of the work to be undertaken*] for the purpose of [*state the purpose*]. For the execution of this work the undermentioned land will be required to be taken up :—

1	2	3
Pergunnah in which land is situated.	Name of village in which land is situated.	Area of land.

Plans, specifications, and estimates of the proposed work, together with a copy of the survey map showing the boundaries of the villages of the various estates likely to be affected by the said work, are open for inspection by any interested person at this office who is allowed to take copies thereof.

The total probable cost of such work will be the sum of Rs. , and the rate per acre of the area benefited or protected by the said work is estimated at Rs.

The following estates and villages will probably be affected by the work proposed [*here set out a list of the estates and villages*].

Any person interested and desirous of showing cause against the execution of the works specified, is hereby required to appear before the Collector for that purpose on the day of

The day of

A. B.,
Collector of

SCHEDULE B.—(*Referred to in Section* 12.)

Notice is hereby given that under the provisions of Section 11 of the Bengal Embankment Act, 1873, the land hereunder

specified has been taken up, and notice thereof has been given to the Collector of

1	2	3
Pergunnah in which land is situated.	Name of village in which land is situated.	Approximate boundaries and area of land.

The day of

A. B.,
Collector of

SCHEDULE C.—*(Referred to in Section 26.)*

All persons interested are required to take notice that under the provisions of Section 11 of the Bengal Embankment Act, 1873, the Collector of has taken possession on account of the Government of [*here state particulars of the land taken*], and that claims to compensation for all interests in such land must be made to the Collector. All persons having any such claims are therefore required to appear personally or by agent on day of at , and to state the nature of their respective interests in such land, and the amount and particulars of their claims to compensation for such interests.

The day of

A. B.,
Collector of

SCHEDULE D.—(*Referred to in Sections* 34, 35, *and* 40.)

No. 1.

Right Embankment on the Selye River from Isnagore to Kola.

This is a continuous line of embankment on the right bank of the Selye River, 8 miles 4,780 feet, more or less, in length.

It commences at a masonry pillar fixed in the ground in the village of Isnagore of Pergunnah Bogree, and terminates at a masonry pillar in the village of Kola in the said pergunnah.

No. 2.

Right Embankment on the Selye River from Chota Roopram to Narooa.

This is a continuous line of embankment on the right bank of the Selye River, 4 miles 770 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Chota Roopram of Pergunnah Bogree, and terminates at a masonry pillar in the village of Narooa in the said pergunnah.

No. 3.

Right Embankment on the Selye River from Srirampore to Ganchia.

This is a continuous line of embankment on the right bank of the Selye River, 7 miles 2,686 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Srirampore of Pergunnah Chanderkona, and terminates at a masonry pillar in the village of Ganchia in the said pergunnah.

No. 4.

Left Embankment of the Selye River from Kursi to Kulakuri.

This is a continuous line of embankment on the left bank of the Selye River, 6 miles 5,265 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Kursi of Pergunnah Bogree, and terminates at a masonry pillar in the village of Kulakuri in the said pergunnah.

No. 5.

Left Embankment of the Selye River from Bagputta to Radhachuck.

This a continuous line of embankment on the left bank of the Selye River, 20 miles 680 feet, more or less, in length. It

commences at a masonry pillar fixed in the ground in the village of Bagputta of Pergunnah Chanderkona, and terminates at a masonry pillar in the village of Radhachuck of Pergunnah Barda.

No. 6.

Left Embankment of the Darkissur and Sankra Rivers.

This is a continuous line of embankment on the left bank of the Darkissur and Sankra Rivers, 5 miles 250 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Ramnagur of Pergunnah Byra, and terminates at a masonry pillar in the village of Gasna of Pergunnah Jehanabad.

No. 7.

Right Embankment of the Darkissur and Jhoomee Rivers.

This is a continuous line of embankment on the right bank of the Darkissur and Jhoomee Rivers, 6 miles 3,200 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Digra of Pergunnah Byra, and terminates at a masonry pillar in the village of Sowey of Pergunnah Barda.

No. 8.

Left Embankment on the Bukhshi Khall.

This is a continuous line of embankment on the left bank of the Bukhshi Khall, 6 miles 4,330 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Bukhshi of Pergunnah Karijee Mundleghaut, and near the junction of the Roopnárain River and Bukhshi Khall, and terminates at a masonry pillar in the village of Gyghattee in the said pergunnah, where the Gyghattee Khall leaves the Damoodah.

No. 9.

Right Embankment on the Roopnarain River.

This is a continuous line of embankment on the right bank of the River Roopnarain, 29 miles 2,373 feet, more or less, in

length. It commences at a masonry pillar fixed in the ground distant 57 feet south-east by compass from the Machnan masonry sluice on the right bank of the Doorbachatti Khall, in the village of Machnan of Pergunnah Mundleghaut, and terminates at a masonry pillar at the zero mile-post on the bank of the Tidal Canal, Reach I. This mile-post bears 500 feet south-west by compass from the Canal Toll-house, in the village of Camalpore of Pergunnah Mysadul.

No. 10.

Right Embankment on the Pyratoongee Khall.

This a continuous line of embankment on the right bank of the Pyratoongee Khall, 4,410 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Pyratoongee of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar distant 187 feet west of a temple on the Tumlook Road, in the village of Barpadoobasun in the said pergunnah.

No. 11.

Left Embankment on the Pyratoongee Khall.

This is a continuous line of embankment on the left bank of the Pyratoongee Khall, 4,370 feet, more or less, in length. It commences at a masonry pillar in the ground in the village of Pyratoongee of Pergunnah Tumlook, and on the Roopnarain embankment, right bank, and terminates at a masonry pillar in the village of Barpadoobasun in the said Pergunnah.

No. 12.

Right Embankment on the Gungakhally Khall.

This is a continuous line of embankment on the right bank of the Gungakhally Khall, 3 miles 3,430 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Soodhapore of Pergunnah Tumlook, on the

Roopnarain embankment, right bank, and terminates at a masonry pillar distant 675 feet east of the Rogonathpore masonry sluice, in the village of Syedpore in the said pergunnah.

No. 13.

Left Embankment on the Gungahally Khall.

This is a continuous line of embankment on the left bank of the Gungakhally Khall, 3 miles 1,670 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Mysda of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar distant 170 feet north-east of the Rogonathpore masonry sluice on the right bank of the Gungakhally Khall, in the village of Rogonathpore in the said pergunnah.

No. 14.

Right Embankment on the Soadiggi Khall.

This is a continuous line of embankment on the right bank of the Soadiggi Khall, 2 miles 3,990 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Soadiggi of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar, in the village of Jasamnathpore in the said pergunnah.

No. 15.

Left Embankment on the Soadiggi Khall.

This is a continuous line of embankment on the left bank of the Soadiggi Khall, 2 miles 1,690 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Soadiggi of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar in the village of Hugla in the said pergunnah.

No. 16.

Right Embankment on the Doobachutty Khall.

This is a continuous line of embankment on the right bank of the Doobachutty Khall, 1 mile 3,510 feet, more or less, in length. It commences at a masonry pillar fixed in the ground at a distance of 550 feet north north-east of the Bhoodah Factory chimney in the village of Bhoodah of Pergunnah Mundleghaut, and terminates at a masonry pillar distant 57 feet south-east of the Machnan masonry sluice, in the village of Machnan in the said pergunnah.

No. 17.

Mohunkhally Circuit Embankment.

This is a circuit embankment 28 miles 3,258 feet, more or less, in length. It commences at a masonry pillar fixed in the village of Kooltigree where the Mohunkhally River runs into the Roopnarain River, and passing along the right bank of the Mohunkhally River through the villages of Joligunsam, Seetapore, Manoo to Basantopore, where the Mohunkhally and Doobachutty Rivers bifurcate, thence skirting the left bank of the Doobachutty River it passes through the villages of Shahpore, Bosorepore, and Barmogria to Kachara, thence skirting the Roopnarain, right bank, it passes through the village of Doodcoura and Bagchina, and terminates at the masonry pillar aforesaid.

No. 18.

Pannah Circuit Embankment.

This is a circuit embankment 9 miles 3,640 feet, more or less, in length. It commences at a masonry pillar built in the ground on the left bank of the Selye River at its junction with the Cossye River near a temple, in the village of Bargobindoo, Pergunnah Barda. It passes through the villages of Baramdi and Raneebazar on the left bank of the Selye River, and then along the right bank of the Kanta Khall through the villages of Bhaugadow, Parna,

Baramdijheel, Tubli, and Dhurmpore, and terminates at the aforesaid pillar.

No. 19.

Ghattal Circuit Embankment.

This is a circuit emkankment 10 miles 1,850 feet, more or less, in length. It commences at a masonry pillar built in the ground on the left bank of the Selye River at its bifurcation with the Argor River, and passing along the *left* bank of the Selye River and through the villages of Srirampore, Bassodebpore, and Singpore, it skirts the right bank of the Argora Khall through the villages of Ramchunderpore, Rogonathchuck, and others, and terminates at the masonry pillar aforesaid.

No. 20.

Sheikpore Circuit Embankment.

This is a circuit embankment 18 miles 5,108 feet, more or less, in length. It commences at a masonry pillar built in the ground at the bifurcation of the Rivers Sankra and Jhoomee in the village of Sheikpore of Pergunnah Boyrah, and passing along the left bank of the Jhoomee River through the villages of Srimantpore, Anandopore, and Thakooranchuck, thence along the right bank of the Sankra River through the villages of Nursingchuck, Koolat, Goozrat, and others, terminates at the aforesaid masonry pillar.

No. 21.

Khasbar Circuit Embankment.

This is a circuit embankment 5 miles 5,240 feet, more or less, in length. It commences at a masonry pillar built in the ground at the point of bifurcation of the Jhoomee and Amada Rivers in the village of Lalchuck, Pergunnah Barda, and passing along the right bank of the Jhoomee River through the villages

of Parbuttichuck, Prosadchuck, and Joybag, and thence along the left bank of the Amada River through the villages of Khasbar, Sowoi, and Lalchuck, it terminates at the aforesaid masonry pillar.

No. 22.

Chetooa Circuit Embankment.

This is a circuit embankment 45 miles 1,420 feet, more or less, in length. It commences at a masonry pillar built in the ground at the junction of the Roopnarain River and Mohunkhally Khall in the village of Moishgatta, Pergunnah Kharijee Mundleghaut, and passing along the left bank of the Mohunkhally Khall through the villages of Dukinbar, Gowreechuck, Gobindnuggur, and Bosuntopore, thence along the left bank of the Cossye River through the villages of Kola, Moheshpore, Gocoolnuggur, and Islampore, thence along the right bank of the Selye River through the villages of Soorutpore, Rogonathpore, and Konagore, to the junction of the Selye and Roopnarain Rivers at Protabpore, and thence along the right bank of the Roopnarain River through the villages of Hurrishpore, Joleconaram, Raneechuck, and Gopeegunge, it terminates at the aforesaid masonry pillar.

No. 23.

Doosasp re Circuit Embankment.

This is a circuit embankment 18 miles 2,350 feet, more or less, in length. It commences at a masonry pillar built in the ground on the right bank of the Cossye River, distant 704 feet and bearing 20° from the Doosaspore sluice in the village of Doosaspore of Pergunnah Chetooa, and passing along the right bank of the Cossye River through the villages of Nobinbasdeopore, Koonjpore, Mohespore, Telondee, and Brickobanupore, thence passing along the left bank of the Petooa Khall through the villages of Futtehpore, Godyepore, and Dhamkola, it

terminates at another masonry pillar in the village of Kritibaspore, Pergunnah Chetooa.

No. 24.

Narajole Embankment.

This is an embankment 7 miles 1,735 feet, more or less, in length. It commences at a masonry pillar built in the ground on the left bank of the Cossye River in the village of Samat, Pergunnah Chetooa, and passing along the left bank of the Cossye River to the village of Mudunmohunpore, and thence along the right bank of the Selye River through the village of Ramdebpore, it terminates at another masonry pillar in the village of Chandikhally, Pergunnah Chetooa.

No. 25.

Bindabunchuck Embankment.

This is an embankment 2 miles 800 feet, more or less, in length. It commences at a masonry pillar built in the ground in the village of Bindabunchuck, Pergunnah Kharijee Mundleghaut, and running along the *right* bank of the Doorbachatti Khall, terminates at another masonry pillar in the same village.

No. 26.

Dhangaria Embankment.

This is an embankment 2 miles 2,520 feet, more or less, in length. It commences at a masonry pillar built in the ground in the village of Dhangaria, Pergunnah Jehanabad, and running along the *left* bank of the Roopnarain River, terminates at another masonry pillar in the same village.

No. 27.

Right Embankment on the Adjai River.

This is a continuous line of embankment on the right bank of the Adjai River, 7 miles 3,980 feet, more or less, in length. It

commences at a masonry pillar fixed in the ground in the village of Gourbazar of Pergunnah Sheregarh, and terminates at a masonry pillar at the junction of the Tomnee Khall with the Adjai River in the village of Kejladee of Pergunnah Shanpaharee.

No. 28.

Right Embankment on the Adjai River.

This is a continuous line of embankment on the right bank of the Adjai River, 4 miles, more or less, in length. It commences at a masonry pillar fixed in the ground near a masonry sluice near the junction of the Toomnee and Balpaharee Khalls in the village of Bistopore of Pergunnah Shanpaharee, and terminates at a masonry pillar in the village of Urjunboonee in the said pergunnah.

No. 29.

Right Embankment on the Adjai River.

This is a continuous line of embankment on the right bank of the Adjai River, 11 miles, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Satkonea, Pergunnah Shanpaharee, and terminates at a masonry pillar in the village of Sagurposta of Pergunnah Gopeebhoom.

No. 30.

Left Embankment on the Adjai River.

This is a continuous line of embankment on the left bank of the Adjai River, 3 miles, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Singhee of Pergunnah Azmutshahi, and terminates at a masonry pillar in the village of Bamoonea in the said pergunnah.

No. 31.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 4,488 feet, more or less, in length. It

commences at a masonry pillar fixed in the ground in the village of Sadipore of Pergunnah Habalee, and terminates at a masonry, pillar in the village of Kistopore in the said pergunnah.

No. 32.

Left Embankment on the Damoodah River.

This is a continuous line of embankment on the left bank of the Damoodah River, 107 miles, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Sillia, Pergunnah Champanuggur, and terminates at a masonry pillar in the village of Alipore of Pergunnah Mundleghaut.

No. 33.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 1 mile 260 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Lakea, Pergunnah Habalee, and terminates at a masonry pillar in the village of Bergang in the said pergunnah.

No. 34.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 3,828 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Bulrampore, Pergunnah Habalee, and terminates at a masonry pillar in the said village.

No. 35.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 1 mile 528 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village

of Zangirpore, Pergunnah Habalee, and terminates at a masonry pillar in the village of Srekistopore in the said pergunnah.

No. 36.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 18 miles more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Oozirpore, Pergunnah Habalee, and terminates at a masonry pillar in the village of Dehi Barsut of Pergunnah Barsut.

No. 37.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 29 miles 3,560 feet, more or less, in length. It commences at a masonry pillar fixed in the ground at the junction of the Gyghattee Khall with the Damoodah River in the village of Gyghattee, Pergunnah Arsa, and terminates at a masonry pillar at the junction of the Roopnarain and Hughli Rivers at the 32nd mile-post on the Roopnarain left embankment in the village of Magrapathur of Pergunnah Mundleghaut.

No. 38.

Left Embankment on the Roopnarain River.

This is a continuous line of embankment on the left bank of the River Roopnarain, 31 miles 3,762 feet, more or less, in length. It commences at a masonry pillar fixed in the ground at the junction of the Roopnarain River and the Bakhsee Khall in the village of Bakhsee, Pergunnah Mundleghaut, and terminates at a masonry pillar at the junction of the Hughli and Roopnarain Rivers at the 32nd mile-post of the Roopnarain embankment in the village of Magrapathur, Pergunnah Mundleghaut.

No. 39.

This is a continuous line of embankment 41 miles and 155 feet, more or less, in length. It commences at a masonry pillar built in the ground in the village of Khodalgobra, Pergunnah Birkul, and running generally parallel with the coast line of the Bay of Bengal, terminates at a masonry pillar on the Contai and Kedgeri Road on the right bank of the Russulpore River in the village of Shamchuck, Pergunnah Kowramal.

No. 40.

This is a continuous line of embankment 30 miles, more or less, in length. It commences at a masonry pillar built in the ground on the Contai and Kedgeri Road on the right bank of the Russulpore River in the village of Shamchuck, Pergunnah Kowramal, and running along the right bank of the Russulpore River as far as the Contai and Tumlook Road, and thence along the right bank of the Serpai River, terminates at a masonry pillar in the village of Atlagori, Pergunnah Majnamutta.

No. 41.

This is a circuit embankment on the right bank of the Russulpore River, 2 miles 4,868 feet, more or less, in length. It commences and terminates at a masonry pillar built in the ground in the village of Sanberia, Pergunnah Bahirimutta.

No. 42.

This is a continuous line of embankment 30 miles, more or less, in length. It commences at a masonry pillar built in the ground in the village of Atlagori, Pergunnah Majnamutta, and running along the left bank of the Serpai River as far as the village of Kessoorkunda on the Contai and Midnapore Road, and thence in a northerly direction to Chowmook on the Bagdah River, and thence along the right bank of the Balliaghye Khall to the east

of the Dhoobda Jheel, terminates at a masonry pillar on the sand ridge in the village of Madhubpore, Pergunnah Bhogrâi.

No. 43.

This is a continuous line of embankment 17½ miles, more or less, in length. It commences at the great sea dyke, east of the Peechabunnee sluice, on the left bank of the Peechabunnee Khall, and running along the said bank as far as the masonry pillar built in the ground in the village of Madhubpore, Pergunnah Bhograi, and thence along the right bank, terminates at the great sea dyke west of the Peechabunnee sluice.

No. 44.

This is a circuit embankment on the right bank of the Bagdah River, 3 miles 2,528 feet, more or less, in length. It commences and terminates at a masonry pillar built in the ground in the village of Astichuck, Pergunnah Paharpore.

No. 45.

This is a continuous line of embankment 95 miles, more or less, in length. It commences at a masonry pillar built in the ground in the village of Ramchuck, Pergunnah Sugamutta, and running along the left bank of the Iktiarpore Khall to its junction with the Madakhally River, thence running along the left bank of the Madakhally River to the Chowdachoolee Inspection Bungalow at the confluence of the Russulpore River and the Koonjapore or Thalputty Khall, thence running along the left bank of the Koonjapore or Thalputty Khall to its embouchure in the Bay of Bengal, thence running parallel to the coast line as far as the mouth of the River Huldee, thence following the right bank of this river as far as the junction of the Kaliaghye and Cossye Rivers, and lastly running along the right bank of the Kaliaghye River, terminates at a masonry pillar at the village of Nilkantapore, Pergunnah Jalamutta.

No. 46.

This is a continuous line of embankment 5 miles, more or less, in length, on the right bank of the Kaliaghye River. It commences at a masonry pillar built in the ground in the village of Kharan, Pergunnah Pataspore, and terminates at another masonry pillar in the said village.

No. 47.

This is a circuit embankment 34 miles 1,000 feet, more or less, in length. It commences at a masonry pillar built in the ground near the Barju Ghaut in the village of Barju, Pergunnah Narnamutta, and running along the right bank of the Madakhally River, the left bank of the Bagdah River, and the right bank of the Chackbowani Khall, terminates at the aforesaid pillar. It passes through the villages of Barju, Simulbari, Dismila, Khamgara, Idalpore, Kalurathari, Lischintar, Ullalbara, Koniabar, Bhastagara, Khala Kalkadari, Sundarpore, Mallickpore, Ballabpore, Sukakhola, Udaypore, Gopalpore, Baro Adapore, Tamlapura, Chakbata, Calsai, Culbaria, Chakmathuri, Chakahabani, Bhayrabdari, South Chando, Manglepore, Dakhindara, Partabdigi, Bamanbasan, Sitadigi, Kistanugger, Panesoori, Sardabar, Mathura, Chakrosal Khacura, Mangalchuck, Tonabila, Arjanuggur, Purulia, Mahesda, Khamgara, Malda, Barjee, and Pergunnahs Narnamutta, Kismat Pataspore, Kismat Danto, Kharaig, Partabjhan, Pataspore, and Bhatgar

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No. 48.

This is a circuit embankment 11 miles 1,541 feet, more or less, in length, lying between the Madakhally River and Udbadal Khall. It commences at a masonry pillar built in the ground at the junction of the Madakhally River and Udbadal Khall in the village of Naturea, Pergunnah Narnamutta, and passing through the villages of Udbadal, Champainuggur, Conasdigi, Nathara, Khatmari, Etabaria, Naudigi, Manikjar, Hasgoria, Manikjor

Basdebbaria, Patarbara, Pergunnah Narnamutta, terminates at the aforesaid pillar.

No. 49.

This is a circuit embankment 11 miles 1,525 feet, more or less, in length, lying between the Iktiarpore Khall, Madakhally River, and Udbadal Khall. It commences at a masonry pillar built in the ground at the junction of the Madakhally River and Iktiarpore Khall in the village of Rogonathchuck, Pergunnah Narnamutta, and running along the left bank of the Madakhally River, left bank of the Udbadal Khall, and right bank of the Iktiarpore khall, terminates at the aforesaid pillar. It passes through the villages of Udbadal, Patna, Dumurdari, Podutardi, South Biada, Ichhapore, Pauchgaria, Bhupatinuggur, Rogonathchuck, Nandichuck, Khorinet, Gobindapore, Jogomohunpore, Champainuggur, Kanjadapore, Udbadal, and the Pergunnahs of Narnamutta and Koaal.

No. 50.

This is a continuous line of embankment 3 miles 3,255 feet, more or less, in length. It commences at a masonry pillar built in the ground in the village of Ramchuck, Pergunnah Sugamutta, and running along the right bank of the Iktiarpore Khall, terminates at a pillar in the village of Radhapore, Pergunnah Erinch.

No. 51.

This is a circuit embankment 7 miles 2,735 feet, more or less, in length, between the Kaliaghye River and the Bagui Khall. It commences at a masonry pillar built in the ground at the junction of the Kaliaghye River with the Bagui Khall in the village of Daropatna, Pergunnah Pataspore, and passing through the villages of Gocoolpore, Gholahat, Daropatna, Pergunnah Pataspore, terminates at the aforesaid masonry pillar.

No. 52.

This is a circuit embankment 20 miles, more or less, in length. It commences at a masonry pillar built in the ground on the south side of the junction of the Thalputti Khall with the Russulpore River in the village of Gumgar, Pergunnah Kasba Hidgellee, and running along the left bank of the Russulpore River to its confluence with the sea, then following the coast line to the embouchure of the Thalputti Khall in the Bay of Bengal, and thence running along the south bank of the Thalputti Khall, terminates at the aforesaid pillar. It passes through the villages of Gorabar, Debichuck, Dandchuck, Katka, Sampore, Baga, Padurbaria, Nenapata, Mohendranuggur, Kolagachia, Pauchbari, Osilchuck, Honabaria, Orukbaria, Salconda, Sahibchuck, Bamunchuck, Barabari, Phulbari, and Mulichuck, all in the Pergunnah Kasba Hidgellee.

No. 53.

This is a continuous line of embankment 60 miles 4,110 feet, more or less, in length It commences at a masonry pillar built in the ground on the left bank of the Cossye River in the village of Bargoda, Pergunnah Tumlook, and running along the left bank of the Cossye and Huldee Rivers to the confluence of the latter with the River Hooghly, and thence along the right bank of the Hooghly and Roopnarain Rivers, terminates at a masonry pillar in the village of Banka, about one-fourth of a mile north of a Hindu temple, on the left bank of the Banka Khall

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No. 54.

This is a circuit embankment 12 miles 2,550 feet, more or less, in length, situated between the Kaliaghye and Cossye Rivers. It commences at a masonry pillar built in the ground at the junction of the said rivers, and running along the left bank of the Kaliaghye River and the right bank of the Cossye River, terminates at the aforesaid pillar. It passes through the villages of

Purso, Nonakhari, Lachanpore, Narkuldi, Soonabhoy, Asnan, Chaundibarya, Machodal, Kholakhally, Kalkadari, Pauchpukhiria, Kistochuck, and Salugaria, all in the Pergunnah Tumlook.

No. 55.

Rampore Beauleah old Embankment.

This is a continuous line of embankment on the left bank of the River Ganges, 17,700 feet in length, more or less. It commences at a masonry pillar to be fixed in the ground at the village of Kasubpore, Pergunnah Ghurreehath, and terminates at a masonry pillar to be fixed at the village Talliamuree, Pergunnah Laskarpore.

No. 56.

Rampore Beauleah Embankment.

This is a continuous line of embankment on the left bank of the River Ganges, 8,130 feet in length, more or less. It commences at a masonry pillar to be fixed in the ground at the village of Bolanpore, Pergunnah Ghurreehath, and terminates at a masonry pillar in the village of Kudulkuttee, Pergunnah Ghurreehath, where it joins the road to Dinagepore.

No. 57.

Maldah Embankment.

This is a continuous line of embankment on the right bank of the Mahanuddy River, 11,519 feet, more or less, in length. It commences at a masonry pillar to be fixed in the ground at the village of Kootubpore, Pergunnah Ameerabad, and terminates at a masonry pillar in the village of Moheshpore, Pergunnah Vatra.

24-PERGUNNAHS.

No. 58.

Left Embankment on the River Hooghly.

This is a continuous embankment on the left bank of the River Hooghly, 5 miles 4,500 feet, more or less, in length. It

commences at Munneekhallee Khall at a masonry pillar fixed in the ground in the village of Juggonnathnuggur, and terminates at a masonry pillar in the village of Meejghur, on the north side of Churrial Khall, near the junction of the Hooghly River and Churrial Khall.

No. 59.

Right bank of Churrial Khall.

This is a continuous embankment on the right bank of the Churrial Khall, 2,780 feet, more or less, in length. It commences at a masonry pillar in the village of Meejghur, on the north side of Churrial Khall, near the junction of Hooghly River and Churrial Khall, and terminates at a masonry pillar in the village of Ghurbanmonca, on the north bank of Churrial Khall, near the junction of Churrial Khall and the Calcutta and Atcheepore Road.

No. 60.

Left bank of Churrial Khall.

This is a continuous embankment on the left bank of Churrial Khall, 3,280 feet, more or less, in length. It commences at a masonry pillar in the village of Joychundeepore, near the junction of left bank of Churrial Khall and the Calcutta and Atcheepore Road, and terminates at a masonry pillar in the said village of Joychundeepore, near the junction of River Hooghly and Churrial Khall.

No. 61.

Left bank of Hooghly River.

This is a continuous embankment on the left bank of Hooghly River, 19 miles 1,320 feet, more or less, in length. It commences at a masonry pillar in the village of Joychundeepore, near the junction of River Hooghly and Churrial Khall, and continues along the left bank of Hooghly River to Poojallee Khall,

on both sides of Poojallee Khall, between the River Hooghly and the road leading from Calcutta to Atcheepore, and again down the left bank of the River Hooghly to the right bank of Fulta Khall, and terminates at a masonry pillar in the village of Fulta, near the junction of River Hooghly and Fulta Khall.

No. 62.

Right bank of Fulta Khall.

This is a continuous embankment on the right bank of Fulta Khall, 2 miles 1,320 feet, more or less, in length. It commences at a masonry pillar in the village of Fulta, on the north side of the khall near the junction of River Hooghly and Fulta Khall, and terminates at a masonry pillar on the right bank of Fulta Khall in the village of Sohara.

No. 63.

Left bank of Fulta Khall.

This is a continuous embankment on the left bank of Fulta Khall, 2 miles 1,360 feet, more or less, in length. It commences at a masonry pillar on the left bank of Fulta Khall, in the village of Bosoodeapore, and terminates at a masonry pillar on the left bank of the khall in the village of Taragunge, near the junction of River Hooghly and Fulta Khall.

No. 64.

Left bank of Hooghly River.

This is a continuous embankment on the left bank of River Hooghly, 11 miles 2,780 feet, more or less, in length. It commences at a masonry pillar in the village of Taragunge, near the junction of River Hooghly and Fulta Khall, and terminates at a masonry pillar in the village of Seemoolgunge, on the right bank of Kholakhalee Khall, near its junction with Hooghly River.

No. 65.

Right bank of Kholakhalee Khall.

This is a continuous embankment on the right bank of Kholakhalee Khall, 3,500 feet, more or less, in length. It commences at a masonry pillar in the village of Seemulgunge on the right bank of Kholakhalee Khall, near its junction with Hooghly River, and terminates at a masonry pillar on the right bank of the khall in the village of Durree Govindpore.

No. 66.

Left bank of Kholakhalee Khall.

This is a continuous embankment on the left bank of Kholakhalee Khall, 4,800 feet, more or less, in length. It commences at a masonry pillar on the left bank of Kholakhalee Khall in the village of Jungalparah, and terminates at a masonry pillar on the left bank of the khall in the village of Ramchundernuggur, near the junction of Hooghly River and Kholakhalee Khall.

No. 67.

Left bank of Hooghly River.

This is a continuous embankment on the left bank of River Hooghly, 3 miles 2,260 feet, more or less, in length. It commences at a masonry pillar in the village of Ramchunderpore, near the junction of Hooghly River and Kholakhalee Khall, and terminates at a masonry pillar on the right bank of Diamond Harbour Creek in the village of Hajeepore, near the junction of Hooghly River and Diamond Harbour Creek.

No. 68.

This is a continuous embankment on the right bank of Diamond Harbour Creek, 7 miles 3,100 feet, more or less, in length. It commences at a masonry pillar on the right bank of Diamond Harbour Creek in the village of Hajeepore, near the junction of Hooghly River and Diamond Harbour Creek, and

terminates at a masonry pillar in the right bank of Diamond Harbour Creek in the village of Dearnah.

No. 69.

Left bank of Diamond Harbour Creek.

This is a continuous embankment on the left bank of Diamond Harbour Creek, 6 miles 680 feet, more or less, in length. It commences at a masonry pillar on the left bank of Diamond Harbour Creek in the village of Dearnah, and terminates at a masonry pillar on the left bank of the Diamond Harbour Creek in the village of Madhubpore, near the junction of Hooghly River and Diamond Harbour Creek.

No. 70.

Left bank of the Hooghly River.

This is a continuous embankment on the left bank of River Hooghly, 8 miles, more or less, in length. It commences at a masonry pillar on the left bank of Diamond Harbour Creek, in the village of Madhubpore, near the junction of Hooghly River and Diamond Harbour Creek, and terminates at a masonry pillar on the right bank of Culpee Nuddee in the village of Mosamaree, near the junction of Hooghly River and Culpee Nuddee.

No. 71.

Right bank of Culpee Nuddee.

This is a continuous embankment on the right bank of Culpee Nuddee, 1 mile, more or less, in length. It commences at a masonry pillar on the right bank of Culpee Nuddee in the village of Mosamaree, and terminates at a masonry pillar on the right bank of Culpee Nuddee in the village of Janikeemaree.

No. 72.

Left bank of Culpee Nuddee.

This is a continuous embankment on the left bank of Culpee Nuddee, 1 mile, more or less, in length. It commences at a

masonry pillar on the left bank of Culpee Nuddee in the village of Gourypore, and terminates at a masonry pillar on the left bank of Culpee Nuddee, in the village of Durganuggur, near the junction of Hooghly River and Culpee Nuddee.

No. 73.

Left bank of River Hooghly.

This is a continuous embankment on the left bank of Hooghly River, 6 miles 2,640 feet, more or less, in length. It commences at a masonry pillar on the left bank of Culpee Nuddee in the village of Durganuggur, near the junction of Hooghly River and Culpee Nuddee, and terminates at a masonry pillar in the village of Chulamooree, near Chulamooree semaphore.

No. 74.

Soonderbun Embankment.

This is a continuous embankment in the Soonderbuns, 8 miles 2,640 feet, more or less, in length. It commences at a masonry pillar in the village of Chulamooree, near Chulamooree semaphore, and terminates at a masonry pillar near the right bank of the Sreerampore Khall in the village of Budinathpore.

No. 75.

Right bank of Sreerampore Khall.

This is a continuous embankment on the right bank of the Sreerampore Khall, 6 miles 2,640 feet, more or less, in length. It commences at a masonry pillar on the right bank of Sreerampore Khall in the village of Budinathpore, and terminates at a masonry pillar in the village of Kontahenneah.

No. 76.

Left bank of Sreerampore Khall.

This is a continuous embankment on the left bank of Sreerampore Khall, 9 miles 2,640 feet, more or less, in length. It

commences at a masonry pillar in the village of Kontahenneah, and terminates at a masonry pillar on the left bank of the Sreerampore Khall in the village of Taktipore Dighee.

No. 77.

Soonderbun Embankment.

This is a continuous embankment in the Soonderbuns, 26 miles, more or less, in length. It commences at a masonry pillar on the left bank of Sreerampore Khall in the village of Taktipore Dighee, and terminates at a masonry pillar on the right bank of Kharee Khall in the village of Gularchant.

No. 78.

Right bank of Kharee Khall.

This is a continuous embankment on the right bank of Kharee Khall, 3 miles 602 feet, more or less, in length. It commences at a masonry pillar on the right bank of Kharee Khall in the village of Gularchant, and terminates at a masonry pillar in the viilage of Megheeber, near a drainage sluice.

No. 79.

Left bank of Kharee Khall.

This is a continuous embankment on the left bank of Kharee Khall, 3 miles 2,040 feet, more or less, in length. It commences at a masonry pillar in the village of Megheeber, and terminates at a masonry pillar on the left bank of the khall in the village of Kamaratha.

No. 80.

Soonderbun Embankment.

This is a continuous embankment in the Soonderbuns, 19 miles, more or less, in length. It commences from a masonry pillar on the left bank of the Kharee Khall in the village of Kamaratha, and terminates at a masonry pillar on the right bank of Pealee River in the village of Tulpee.

No. 81.

Right bank of Pealee River.

This is a continuous embankment on the right bank of Pealee River, 3 miles, more or less, in length. It commences at a masonry pillar on the right bank of Pealee River in the village of Tulpee, and terminates at a masonry pillar on the right bank of the Pealee River in the village of Chorodakaitee.

No. 82.

Right bank of Soorjipore Khall.

This is a continuous embankment on the right bank of Soorjipore, or Puschunbahum Khall, 8 miles, more or less, in length. It commences at a masonry pillar on the right bank of Pealee River in the village of Chorodakaitee, and terminates at Puschunbahum sluice in the village of Bulbuleah.

No. 83.

Left bank of Soorjipore Khall.

This is a continuous embankment on the left bank of Soorjipore or Puschunbahum Khall, 4 miles 2,640 feet, more or less, in length. It commences at a Puschunbahum sluice in the village of Bulbuleah, and terminates at a masonry pillar on the left bank of Soorjipore Khall in the village of Ramnuggur.

No. 84.

Right bank of the Pealee Riv r.

This is a continuous embankment on the left side of Pealee River, 9 miles 2,160 feet, more or less. It commences at a masonry pillar on the left bank of Soorjipore Khall in the village of Ramnuggur, and terminates at a masonry pillar on the right bank of Biddiadhuree River, in the village of Saungur, near the junction of Biddiadhuree and Pealee Rivers.

No. 85.

Left bank of Pealee River.

This is a continuous embankment on the left bank of Pealee River, 3 miles 3,960 feet, more or less, in length. It commences from a masonry pillar on the left bank of Pealee River in Sunderbun lot No. 45, and terminates in a masonry pillar on the right bank of the Baugmaree Khall in the village of Jullerath, near the junction of Pealee River with Baugmaree Khall.

No. 86.

Left bank of Baugmuree Khall.

This is a continuous embankment on the left bank of the Baugmaree Khall, 2 miles 2,640 feet, more or less, in length. It commences from a masonry pillar in the village of Jullerath, near the junction of Pealee River and Baugmaree Khall, and terminates at a masonry pillar at the side of Mutlah Road in the village of Ath Ramdhur.

No. 87.

Right bank of Baugmaree Khall.

This is a continuous embankment on the right side of Baugmaree Khall, 1 mile 1,320 feet, more or less, in length. It commences at a masonry pillar at the side of Mutlah Road in the village of Koolauree, and terminates at a masonry pillar on the left bank of Pealee River in the village of Kist Kalaboroe.

No. 88.

Left bank of Pealee River.

This is a continuous embankment on the left bank of the Pealee River, 4 miles 2,460 feet, more or less, in length. It commences at a masonry pillar on the left bank of Pealee River in the village of Kist Kalaboroe, and terminates at a masonry

pillar in the village of Povan, about a quarter of a mile north of the Calcutta and South-Eastern Railway.

No. 89.

Left bank of Pealee River.

This is a continuous embankment on the left bank of Pealee River, 2 miles 2,640 feet, more or less, in length. It commences at a masonry pillar in the village of Shrikishenpore, and terminates at a masonry pillar on the right bank of Biddiadhuree River, near the junction of Biddiadhuree and Pealee Rivers.

No. 90.

Right bank of Biddiadhuree River.

This is a continuous embankment on the right bank of Biddiadhuree River, 8 miles, more or less, in length. It commences at a masonry pillar on the right bank of Biddiadhuree River in the village of Ballcahpore, and terminates in a masonry pillar on the right bank of the same river, near the junction of Biddiadhuree and Pealee Rivers.

No. 91.

Right bank of Biddiadhuree.

This is a continuous embankment on the right bank of Biddiadhuree River, 2 miles 3,120 feet, more or less, in length. It commences at a masonry pillar near the junction of the Biddiadhuree and Pealee Rivers in the village of Saungur, and terminates at a masonry pillar on the right bank of Biddiadhuree River, near its junction with Tolly's Canal in the village of Pertabnuggur.

No. 92.

South side of Tolly's Canal.

This is a continuous embankment on south side of Tolly's Canal, 10 miles, more or less, in length. It commences at a

masonry pillar on the right bank of Biddiadhuree River, near the junction of Biddiadhuree River and Tolly's Canal in the village of Pertabnugger, and terminates at a masonry pillar on the south side of Tolly's Canal in the village of Kurramabad.

No. 93.

North side of Tolly's Canal.

This is a continuous line of embankment on the north side of Tolly's Canal, 2 miles 4,020 feet, more or less, in length. It commences at a masonry pillar on the north side of Tolly's Canal in the village of Nowabad, and terminates at a masonry pillar in the jungle in the village of Tehooraha.

No. 94.

Bhagiruttee Embankments.

This is a line of disconnected embankment on the left bank of the Bhagiruttee River, extending from Plassey Bazar, Pergunnah Plassey, District Nuddea, to Dadmootee, Pergunnah Rokunpore, District Moorshedabad, a distance of about 93 miles.

No. 95.

Katcheekuta Embankment.

This is a continuous line of embankment about 4,000 feet in length on the right bank of the Matahbanga River. It commences in the village of Luckimpore, Pergunnah Bajpore, District Nuddea, and terminates at the bottom of the new cut opposite the village of Radhakantpore in the same pergunnah and district.

SCHEDULE E.—(*Referred to in Sections* 36 *and* 44.)

Pergunnah.	District.	Amount of contribution.
		Rs. A. P.
Futtehsingh	Moorshedabad	1,706 10 8
Rokunpore	Ditto	1,466 2 0

LIBRAR

ACT No. VII of 1873.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 22nd December 1873, and of the Governor-General on the 30th idem.)

An Act to amend the law relating to the emigration of laborers to the districts of Assam, Cachar, and Sylhet, and to regulate contract labor and service.

Preamble.

WHEREAS it is expedient to amend the law regulating the emigration of native inhabitants of India from or through the provinces subject to the Government of Bengal to the districts of Assam, Cachar, and Sylhet, and the manner of engaging and contracting with native inhabitants of the said provinces to proceed to the said districts, and providing for the protection of the persons so proceeding, and for the enforcement of the contracts of service entered into by them; It is hereby enacted as follows:—

PART I.—PRELIMINARY.

Chapter 1.—*Application and Miscellaneous.*

Short title.

1. This Act may be called "The Labor Districts Emigration Act."

Repeal of Act II of 1870.

2. Bengal Act II. of 1870 (*to consolidate and amend the law relating to the transport of laborers to the districts of Assam, Cachar, and Sylhet, and their employment therein*) is hereby repealed. All contracts entered into, appointments made and licenses granted, under the said Act, or any of the Acts thereby repealed, shall be deemed to have been respectively entered into, made, and granted under this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

"India" means the territories for the time being vested in Her Majesty by the Statute 21 and 22 Vic., cap. 106, entitled "*An Act for the better Government of India*," other than the settlement of Prince of Wales' Island, Singapore, and Malacca.

India.

"The labor districts" means the districts of Assam, Cachar, and Sylhet, and "a labor district" means one of those districts.

Labor Districts.

"Magistrate" includes a magistrate of a district or of a division of a district, and any magistrate of the first and second class, and any magistrate of police for the town of Calcutta.

Magistrate.

"Employer" means the chief person for the time being in charge of any lands upon which laborers may be employed.

Employer.

"Garden-sirdar" means any person authorized by certificate by an employer to engage natives of India to proceed to a labor district under contracts to be made and executed according to the provisions of this Act.

Garden-sirdar.

"Recruiter" means any person licensed under the provisions of this Act as a recruiter.

Recruiter.

"Contractor" means any person licensed under the provisions of this Act as a contractor.

Contractor.

"Emigrant" means any native of India above the age of sixteen years who has engaged with any garden-sirdar or recruiter or other person to proceed to a labor district for the purpose of laboring therein for hire.

Emigrant.

"Laborer" means any emigrant who has been conveyed to a labor district in accordance with a contract made under the provisions of Bengal Act III of 1863, Bengal Act VI of 1865, Bengal Act II of 1870, or this Act, during the duration of such contract.

Laborer.

"Vessel" includes a steamer, a flat, a boat, and anything made for the conveyance by water of human beings or property.

Vessel.

"Master" means the person for the time being in charge of a vessel.

Master.

4. The Lieutenant-Governor may from time to time make rules consistent with this Act, and from time to time alter, vary, and revoke such rules:—

Power of the Lieutenant-Governor to make rules.

(1)—To regulate the subordination of the several officers of emigration to the superintendent.

(2)—To prescribe the periodical returns and reports to be made by the emigration officers, by magistrates, and by the inspectors of laborers.

(3)—To prescribe the amount of the several fees to be paid under the provisions of this Act.

(4)—To provide for the management and regulation of contractors' depôts and of hospital depôts.

(5)—To provide for the medical care of emigrants during their residence at the depôts, and during transport to a labor district.

(6)—To prescribe the nature, quality, and quantity of medical drugs and other stores to be carried on vessels taking emigrants.

(7)—To prescribe the clothing to be supplied to emigrants while proceeding to a labor district.

(8)—To prescribe the description, quantity, and quality of provisions to be taken by vessels carrying emigrants, and the daily allowance to be issued to each emigrant during the journey.

(9)—To provide for the ventilation and cleanliness of vessels during the journey, to prescribe the number of officers, cooks, and other servants, and to provide for their control; and to provide generally for the accommodation of emigrants.

(10)—To provide for the accommodation, support, and medical treatment of all emigrants detained at any place by order of a magistrate on account of sickness.

(11)—To provide for the periodical inspection of laborers, and the books to be kept by inspectors of laborers.

(12)—To provide for the house accommodation, water-supply, sanitary arrangements, and supply of rice to be provided by employers for their laborers.

(13)—To provide for the hospital accommodation and medical care of laborers, and to prescribe the nature, quality, and quantity of medical drugs and other stores to be provided for them.

The Lieutenant-Governor may from time to time fix penalties not inconsistent with any of the provisions of this Act for infringements of any such rules, which may be enforced and recovered as other penalties under this Act on conviction by a magistrate: Provided that no penalty shall exceed five hundred rupees.

All such rules, with the penalties (if any) for their infringement, shall be published in the *Calcutta Gazette*, and shall be separately printed and sold to the public at four annas for each copy.

Contract made with emigrant is a charge upon the land;

5. Every contract made according to the provisions of this Act, and all arrears of wages due under any such contract, and all fines imposed on any employer under the provisions of this Act, shall be a charge upon the lands upon which any person has been engaged to labor under such contract.

and is transferred with the land.

The owner of such lands for the time being shall have all rights and remedies against such person, as if such owner had been originally the party executing such contract as employer.

Determination of ownership determines liability.

No person, after he has ceased to be the owner of such lands, nor his property nor effects, shall be in anywise liable or responsible for any breach of such contract which may have occurred after he has ceased to be such owner.

Any person above the age of 16 years may contract.

6. Any engagement or contract made under the provisions of this Act by a native of India, who is above the age of sixteen years, shall be held valid.

No contract binding for more than one year, unless under the Act.

No contract binding where estate declared unfit for residence.

7. No contract to labor in the labor districts for more than one year shall be binding upon an emigrant, unless it is made and executed according to the provisions of this Act; and no emigrant shall be bound to fulfil any contract of labor upon any estate or portion of an estate which has been declared unfit for the residence of laborers under the provisions of Sections 118 and 119.

Penalty for any offence not specially provided for.

8. For every offence against the provisions of this Act, for which no special penalty or amount of fine is prescribed, the offender shall, on conviction by a magistrate, be punished with a fine not exceeding two hundred rupees. Wherever in this Act no special term of imprisonment is appointed in default of payment of the fine, the offender shall be liable to imprisonment, simple or rigorous, for a term not exceeding one month.

Procedure on trial of offences created by Act.

9. All offences against this Act committed without the town of Calcutta shall be inquired into and tried according to the provisions of the Code of Criminal Procedure, and all offences against this Act committed within the said town shall be inquired into and tried by a police magistrate of the said town, according to the provisions of the laws regulating the investigation and trial of offences within the said town, which shall be for the time being in force.

PART II.—EMIGRATION.

Chapter 2.—Restrictions and Appointment of Officers.

Power to prevent emigration of laborers.

10. It shall be lawful for the Lieutenant-Governor of Bengal, in case he shall be of opinion that the emigration of natives of India from any district, or to any particular part of any labor district, for the purpose of laboring, is likely to be attended with danger to

the health of any native of India so emigrating or others, or if the Lieutenant-Governor has reason to believe that a political disturbance is likely to occur in any labor district, to prohibit, by an order under his hand, the emigration of such natives from such district, or to such labor district or particular part thereof, and from time to time to revoke or vary any such order; and every such order or variation or revocation thereof shall be published in the *Calcutta Gazette*.

Penalty on engaging natives contrary to such order.

11. Any person who shall knowingly engage any native of India so to emigrate while any such emigration shall be prohibited under the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees for every native who may have been so engaged.

Appointment of superintendent of emig ation, embarkation agents, and medical inspectors.

12. The Lieutenant-Governor may appoint a proper person to be the superintendent of emigration at Calcutta, and may also appoint any proper person to be superintendent of emigration at any other place with all or any of the powers of a superintendent of emigration, and may also appoint proper persons to be embarkation agents and medical inspectors of emigrants at any places where he may think proper, and define by notification in the *Calcutta Gazette* the local limits within which each such officer shall exercise the powers and authority conferred upon him by this Act. He may at any time suspend or remove any such officer.

Employer may recruit by garden-sirdar.

13. Any employer may, by certificate, authorize a garden-sirdar to engage natives of India to proceed to a labor district for the purpose of laboring therein for hire upon lands of which such employer is in charge, under contracts to be made and executed according to the provisions of this Act.

Superintendent may license contractors and recruiters.

14. It shall be lawful for the superintendent of emigration to grant to such persons as he may think fit licenses to act as contractors for engaging and supplying persons for the purpose of laboring for hire in the labor districts, or to act in behalf of some

contractor as recruiters for engaging persons to proceed to the said districts for the purpose of laboring therein for hire.

Duration of contract.

15. A contract executed under the provisions of this Act shall in no case exceed the term of three years from the date of the arrival of the emigrant on the estate of his employer in the labor district for which he is engaged. Every such contract shall be in the form in Schedule (A) annexed to this Act, and shall be reduced to writing, and shall specify the monthly amount of wages in money, the period of service, the name of the district in which the service is to be performed, and the price at which rice is to be supplied to the laborer.

Form and particulars of contract.

Chapter 3.—*Garden-sirdar.*

Garden-sirdar to obtain certificate from employer, and to present it to magistrate.

16. Every garden-sirdar, authorised by an employer under the provisions of section 13 to engage natives of India to proceed to a labor district for the purpose of laboring therein for hire, shall, before proceeding to engage any such native, personally present to the magistrate of the district, or division of the district, within which is situate the estate of the employer, a certificate signed by such employer, in which shall be stated the name and description of such garden-sirdar, the name and description of the lands for the purpose of laboring upon which he is about to engage such natives, the district (or the town of Calcutta, as the case may be) in which he is about to engage them, the number which he is authorised to engage, and, if the number exceeds twenty, the name of the contractor to whose depôt they shall be conveyed. The certificate shall be in the form set forth in Schedule (B) annexed to this Act.

Magistrate after inquiry to countersign it.

17. Such magistrate shall inquire into the facts stated in such certificate, and, upon being satisfied that the same are true, shall, unless it appears to him that the person so presenting such certificate is unfit to be employed for the purpose of engaging natives to proceed to a labor district to labor therein for hire, countersign and date such certificate, and every such

certificate shall be in force for six months from the date last mentioned and no longer.

Garden-sirdar authorised to engage more than twenty natives to be subject to provisions relating to a recruiter.

18. If, under his certificate from his employer, any garden-sirdar is authorised to engage more than twenty natives of India, he shall be in all respects, save as regards his certificate, subject to the provisions of this Act which relate to recruiters. The following rules of this Chapter shall apply to every garden-sirdar who is not authorized to engage more than twenty such natives.

Garden-sirdar who is not a Recruiter.

Has no authority until certificate is countersigned by magistrate.

19. A garden-sirdar shall not have authority in any district under the control of the Lieutenant-Governor of Bengal to engage or attempt to engage a native of India to become an emigrant, until his certificate has been countersigned by the magistrate of such district or of such division of the district, or in Calcutta, until his certificate has been countersigned by the commissioner or the deputy commissioner of police in Calcutta.

Magistrate may cancel certificate.

It shall be lawful for such magistrate, in case of misconduct, or disobedience to or neglect of any of the provisions of this Act by a garden-sirdar, to cancel the certificate of such garden-sirdar.

Every native to appear before magistrate before removal from district.

20. Every native of India, who enters into an engagement with a garden-sirdar to proceed to a labor district for the purpose of laboring for hire, shall appear with the garden-sirdar before the magistrate of the district or of the division of the district within which the engagement was made, or through which he shall first pass on the road to his destination. The garden-sirdar shall at the same time produce his certificate to the magistrate.

Magistrate to examine native, and if the examination is satisfactory, to register particulars.

21. On the appearance of such native, the magistrate shall examine him with reference to his engagement; and, if it appears that he understands such engagement as regards the locality, period, and nature of the service, the rate of wages, and the price

at which rice is to be supplied, and that he is willing to fulfil the same, the magistrate shall register, in a book to be kept for the purpose, the following particulars, viz.—

(1) The name, the name of the father, and the age, of such native;

(2) the name of the village or place of which such native is a resident;

(3) the labor district to which he is engaged to proceed;

(4) the period of service;

(5) the rate of wages, and the price at which rice is to be supplied.

Provided that the magistrate may, if he thinks fit, require such native to appear before such medical officer as he may direct, and may refuse to register such native, unless the medical officer certifies in writing that he is in a fit state of health and able, in point of physical condition, to journey to and work for hire in a labor district.

but may require medical certificate.

22. If the magistrate finds that such native does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, or if the garden-sirdar shall not have produced his certificate, he shall refuse to register such native.

Magistrate, &c., may refuse to register.

23. For the registration of every such native the garden-sirdar shall pay to the registering officer a fee not exceeding one rupee and eight annas.

Fee to be paid for registration.

24. When such registration has been made, the emigrant shall execute a contract with the employer with whom he intends to contract. Such contract shall, in the presence of the magistrate, be signed in duplicate both by the emigrant and by the garden-sirdar on behalf of his employer. The contract may be written or printed, or partly written and partly printed, and shall be on substantial paper. An abstract of every such contract shall be entered in a register to be kept by the magistrate for the purpose; and after such abstract has been so entered, one of the duplicates shall be given to the emigrant and the other to the garden-sirdar.

Contract to be executed in duplicate and abstract to be entered in book to be kept by the Magistrate;

The magistrate shall forward a certified copy of every such abstract so entered as aforesaid to the superintendent of emigration, by whom it shall be forwarded, after entry in his own register, to the magistrate of the district within which the service under such contract is agreed to be performed.

and copy to be sent to superintendent and magistrate.

25. The provisions of the six last preceding sections shall be applicable to natives of India engaged by a garden-sirdar within the town of Calcutta, except that they shall appear for registration and execution of contract before the superintendent of emigration.

Similar provisions for natives recruited in Calcutta.

26. Every native of India who shall be brought or induced to come by any garden-sirdar from any province or district not under the control of the Lieutenant-Governor of Bengal, for the purpose of entering into a contract to proceed to the labor districts to labor therein for hire, shall be presented by the garden-sirdar for registry under the provisions of this Chapter at some place within the district under the control of the said Lieutenant-Governor, into which he shall first come, or at Calcutta, if he shall first come there.

Natives recruited in districts not in Bengal.

27. The garden-sirdar shall personally accompany natives of India engaged by him throughout their journey from the place in which the engagement was made to the place in which they are to be employed.

Garden-sirdar must personally accompany emigrants

28. It shall not be lawful for two or more garden-sirdars to proceed together towards a labor-district accompanied by emigrants, if the total number of such emigrants exceeds twenty, or unless the permission of the superintendent of emigration or embarkation agent shall have been first obtained.

Garden-sirdar cannot proceed with more than twenty emigrants in one batch.

29. Every garden-sirdar, by whom any emigrant is accompanied, shall provide such emigrant with proper and sufficient food and lodging throughout such journey. If it shall appear

Garden-sirdar must provide food and lodging for emigrants on journey.

to any magistrate, on the complaint of any such emigrant, at any place on the journey, that he has suffered any ill-treatment during the journey or that the garden-sirdar has failed to provide him with proper and sufficient food and lodging; or if it be found on examination by a medical officer appointed by a magistrate for such purpose, that any such emigrant is not in a fit state of health to proceed to or to labor in a labor-district, such magistrate may order the garden-sirdar to pay to such emigrant a sum of money by way of compensation, or may cancel the contract and order the garden-sirdar to pay to him a sum of money sufficient to enable him to return to the place at which he was engaged.

If such not provided or if emigrant unfit, magistrate may award compensation, or cancel contract

30. If any garden-sirdar, who may be ordered under the provisions of the last preceding section to pay any sum of money, shall for twenty-four hours omit to comply with such order, it shall be lawful for the magistrate to advance the amount so ordered to be paid to the emigrant named in such order, and to recover from his employer the sum so advanced with interest at the rate of twelve per centum per annum from the date of such advance.

Recovery of fines ordered to be paid by Magistrate.

31. On the arrival in Calcutta of any emigrant whose contract has been executed by a garden-sirdar on behalf of his employer, any person empowered to act as the agent or representative of such employer may require the emigrant to appear before the superintendent of emigration for the purpose of cancelling the contract. The superintendent of emigration shall, on the appearance of such emigrant, declare that the contract is cancelled, if a sum of money sufficient for his support during his return to the place at which he was engaged be paid to him before himself and not otherwise, and shall make an endorsement to that effect on the contract and shall attest it with his signature. Provided that the contract of any husband or wife or parent or child of such emigrant, who may have executed a contract at the same time with the same employer, shall be cancelled at the

Agent in Calcutta may procure order from superintendent of emigration cancelling the contract on payment of expense of return

request of such person ; and in such case an equal sum of money shall be paid to such person.

Must report arrival in labor-district.

32. As soon as possible after the arrival of the garden-sirdar with emigrants at the place of disembarkation, or at the nearest civil station in the district within which the emigrant has engaged to labor, the garden-sirdar shall report himself to the magistrate of the district or division of the district or to any subordinate magistrate whom the magistrate may depute for that purpose, and such magistrate shall check the number of emigrants landed with the number of those registered, and shall report to the superintendent of emigration any deaths which may have occurred on the journey. Any garden-sirdar who neglects to report himself as aforesaid shall, on conviction by a magistrate, be punished with imprisonment, simple or rigorous, which may extend to three months.

Chapter 4.—Contractor.

Form of license.

Fee.

Period.

33. The license granted to a contractor under section 14 shall be in the form set forth in the Schedule (C) annexed to this Act. For every license there shall be paid to the superintendent of emigration a fee not exceeding one hundred rupees. Every such license shall be in force for one year and no longer; and in case of misconduct or disobedience to or neglect of, any of the provisions of this Act by a contractor, the superintendent may cancel his license before the expiration of such period.

To give information to superintendent.

34. It shall be the duty of every contractor to afford such information to the superintendent of emigration, and to make such returns and reports to him as the superintendent, with the sanction of the Lieutenant-Governor, may from time to time require.

To establish and maintain depôts.

35. Every contractor shall forthwith, upon obtaining his license, establish a depôt in a place to be approved of by the superintendent of emigration. Every such depôt shall be maintained by such contractor

for the reception of natives of India to be supplied or forwarded by or through him. All such natives shall on their arrival at or in the neighbourhood of the depôt so established by the contractor, by, through, to, or for whom they were engaged or forwarded, be forthwith received therein; and shall receive in such depôt, at the expense of such contractor, suitable lodging, food, clothing, and medical attendance until such native shall be declared by the superintendent to be no longer thereto entitled. Every such depôt as aforesaid shall be under the supervision of the superintendent, and shall be open to his inspection and the inspection of the medical inspector at all times.

May act as recruiter.

36. A contractor may without other license act as a recruiter, and shall in such case be subject to all the provisions hereinafter contained with regard to recruiters.

Establishment of hospital depôt.

Contractor to contribute to expense.

Under charge of medical inspector.

37. In addition to the depôts for the reception of emigrants which the contractors are required to establish and maintain, the Lieutenant-Governor may at any time direct that a separate depôt shall be established and maintained at any place for the reception of emigrants who are affected with cholera or other contagious disease. Whenever such hospital depôt is established, every contractor may be required to contribute to the expense of establishing and maintaining it in such proportion as the Lieutenant-Governor may direct. Such hospital depôt shall be under the charge of the medical inspector, who shall be competent at any time to direct the transfer thereto of any emigrants on or after their arrival at any depôt.

Chapter 5.—Recruiter.

Form of license.

Fee.

38. The license granted to a recruiter under section 14 shall be in the form set forth in schedule (D) annexed to this Act. For every license there shall be paid to the superintendent of emigration a fee not exceeding sixteen rupees. Every such license shall be in force for one year and no

longer; and in case of misconduct or disobedience to, or neglect of, any of the provisions of this Act by a recruiter, the superintendent may cancel his license before the expiration of such period

Period.

39. Every recruiter shall hold a written pass signed by the contractor on whose behalf he is licensed to act.

Recruiter must hold a pass.

40. A recruiter shall not have authority in any district under the control of the Lieutenant-Governor of Bengal to engage or attempt to engage a native of India to become an emigrant until his license has been countersigned by the magistrate of the district, or of the division of the district, or in Calcutta, until his license has been countersigned by the commissioner or the deputy commissioner of police in Calcutta; and such magistrate or commissioner or deputy commissioner of police shall, unless it appears to him that the person to whom a license has been granted is unfit to be employed as a recruiter, countersign such license.

No authority till license is countersigned by magistrate of recruiting district.

The magistrate or commissioner or deputy commissioner of police may at any time for any sufficient reason withdraw such license, provided that in any such case he shall record his reasons in writing, and shall forward a copy thereof without delay to the superintendent of emigration.

Magistrate may withdraw license and suspend recruiting.

41. The magistrate or the commissioner or deputy commissioner of police in Calcutta, to whom any recruiter's license shall have been exhibited for countersignature, shall not countersign the same until he shall be satisfied that sufficient accommodation has been provided and is available for such natives of India as may be engaged by such recruiter pending their removal to a depôt.

Recruiter to provide accommodation for natives before license is countersigned.

The magistrate of the district, or division of the district, in which there may be any such accommodation provided, shall have, for the supervision, management, and regulation of such accom-

Magistrate charged with superintendence of accommodation.

modation, all such and the same powers and authorities as are vested in the superintendent of emigration for the supervision, management, and regulation of depôts which are subject to the powers and authority of the superintendent.

Native to be taken for examination to medical officer, who may reject.

42. Every native of India who shall, in any place or town within the said provinces, enter into any engagement with any recruiter to proceed to a labor district, for the purpose of laboring for hire, shall be brought by such recruiter before such medical officer as the Lieutenant-Governor may from time to time appoint to examine such natives within such place or town; or, if no such officer has been appointed, before such medical officer as the magistrate may direct. The medical officer shall thereupon examine the native brought by the recruiter, and shall reject him or shall certify in writing that he is in a fit state of health and able in point of physical condition to journey to and work for hire in a labor district.

If certified to be fit, native to be taken to magistrate.

43. Every such native who is certified by the medical officer, as required in the last preceding section, to be fit to emigrate to a labor district, shall thereupon appear with the recruiter before the magistrate of the district or division of the district within which the place or town where the engagement was entered into is situate. The recruiter shall at the same time produce his license to the magistrate.

Magistrate to examine native respecting the engagement.

On the appearance of such native the magistrate, after inspecting the medical certificate, shall examine him with reference to his engagement, and if it appears that he understands such engagement as regards the locality, period, and nature of the service, the rate of wages, and the price at which rice is to be supplied, and that he is willing to fulfil the same, the magistrate shall register in a book to be kept for the purpose—

If satisfied, magistrate will register certain particulars.

(1) The name, the name of the father, and the age, of such native.

(2) The name of the village or place of which such native is a resident.

(3) The contractor's depôt to which it is intended that he shall proceed.

(4) The labor district to which he is engaged to proceed.

(5) The period of service.

(6) The rate of wages, and the price at which rice is to be supplied

If the magistrate thinks that such native does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, or if the recruiter shall not have produced his license, he shall refuse to register such native.

If dissatisfied, will reject.

44. A certified copy of his registration, written on substantial paper, shall be furnished by the Magistrate to each emigrant.

Copy of registration to be given to emigrant.

45. A certified copy of every such registration, and the original certificate of the medical officer, shall be forthwith forwarded by the Magistrate to the superintendent of emigration.

Copy of registration and medical certificate to be sent to superintendent.

46. For the registration of every such native the recruiter shall pay to the registering officer a fee not exceeding one rupee and eight annas.

Fee for registration.

47. The provisions of the five preceding sections shall be applicable to all natives of India engaged by recruiters within the town of Calcutta, except that they shall be brought for registration before the superintendent of emigration therein.

Similar provisions for natives recruited in Calcutta.

48. Every native of India who shall be brought or induced to come by any recruiter from any province or district not under the control of the Lieutenant-Governor of Bengal, for the purpose of entering into a contract in a district under such control, shall be

Natives recruited in districts not in Bengal.

presented by the recruiter for medical examination and registry under the provisions of this Chapter at some place within the district under the control of the Lieutenant-Governor, into which he shall first come. or at Calcutta, if he shall first come there.

Penalty for forwarding natives without registration.

49. Every recruiter, who forwards or accompanies any native of India from the district or division of the district within which the place or town where he has been recruited is situate, or into which, under the last preceding section, he has first come, or who induces any such native to leave such district or division of district for the purpose of proceeding to a labor district, without being duly registered as above required ; or who forwards, accompanies, or induces any such native to proceed to any depôt other than a depôt in a place approved of under section 35, shall, on conviction by a magistrate, be punished in respect of every such native so forwarded, accompanied, or induced, with a fine which may extend to fifty rupees, or with imprisonment, simple or rigorous, for a term which may extend to one month.

Recruiter must accompany emigrants to depôt, or depute person approved by magistrate.

50. All emigrants proceeding to a depôt shall be accompanied throughout the journey by the recruiter himself, or by a competent person appointed by him with the approval of the magistrate, by whom such emigrants have been registered. The magistrate shall give to the person so appointed a certificate under his signature stating that he has been appointed for the journey to the depôt.

Recruiter must provide food and lodging for emigrants on journey.

51 Every recruiter, by whom any emigrant is forwarded or accompanied to a depôt, shall, throughout the journey, provide such emigrant with proper and sufficient food and lodging. If it shall appear to a magistrate, on the complaint of any such emigrant at any place on the journey, that the recruiter has failed to provide him with proper and sufficient food and lodging at such place, such recruiter shall, on conviction by such magistrate, be punished with fine which may extend to fifty rupees. The whole or any portion of such fine may be awarded to such emigrant

as compensation. If the fine be not paid within twenty-four hours the recruiter shall be punished with imprisonment, simple or rigorous, which may extend to one month.

Chapter 6.—*Depôt.*

Contractor to report arrival of emigrants.

52. Within twenty-four hours after the arrival at any depôt of any emigrant, the contractor by whom such depôt is maintained shall give to the superintendent of emigration a notice in writing of such arrival, which notice shall be in such form and shall contain such particulars as the superintendent shall prescribe.

Emigrants to be inspected by medical inspector immediately on arrival.

53. The copy of the registration and the medical certificate of every emigrant received by the superintendent as provided in section 45 shall be shown to the medical inspector; and all emigrants shall be inspected by the medical inspector at the depôt. If he be satisfied that an emigrant is in a fit state of health, and able in point of physical condition to journey to and labor in a labor district, he shall countersign the copy of the registration; if he be not satisfied thereof, he shall give a certificate to that effect to the superintendent.

Medical inspector to examine emigrant if medical certificate not given.

The medical inspector shall examine any emigrant in regard to whom a medical certificate is not forthcoming, and shall certify whether such emigrant is, in his opinion, in a fit state of health and able in point of physical condition to journey to and work for hire in a labor district; and if satisfied of his fitness, he shall countersign the copy of the registration.

Emigrant rejected by medical inspector to be sent back.

54. If the medical inspector shall certify that any emigrant so examined is in such a state of health that his journey to a labor district would be dangerous to himself or to others, or that he is unfit for labor in a labor district, the superintendent may order the contractor, or the garden-sirdar, if such emigrant has been forwarded or brought to the depôt by a garden-sirdar, to pay to him a sum of money sufficient to enable him to return to the

place at which he was engaged. Provided that any such person who from his state of health is, in the opinion of the medical inspector, unfit to undertake the journey back to the place where he was engaged, shall, until he is reported by the medical inspector fit to undertake such journey, be fed, clothed, lodged, and medically attended at the expense of such contractor, or of such garden-sirdar, as the case may be. If such contractor or garden-sirdar negligently or wilfully omits to provide food, clothing, lodging, and medical attendance for such person, the superintendent may order such contractor or garden-sirdar to pay to him a sum of money by way of compensation.

Family of detained emigrant may remain with him.

55. Whenever an emigrant remains behind or is detained under the provisions of the last preceding section, it shall be optional with the wife or husband of such emigrant, as the case may be, to remain with the emigrant so remaining behind or detained. If there are any children, they shall also be allowed to remain behind with the father or mother.

Emigrant ill-treated during journey may obtain compensation.

56. If, upon the arrival of any emigrant at a depôt, it shall appear to the superintendent of emigration, on the complaint of such emigrant, that he has suffered any ill-treatment on the journey, or that the recruiter or garden-sirdar, as the case may be, has failed to provide him with proper and sufficient food and lodging, the superintendent may cause him to be removed from the depôt, and may order the contractor or garden-sirdar, for or by whom he shall have been taken to such depôt, to pay to him a sum of money by way of compensation, or sufficient to enable him to return to the place at which he was engaged; and in such latter case he shall not be bound to execute any contract.

Contract to be explained by superintendent and executed in duplicate, and abstract to be entered in book to be kept by superintendent.

57. Every emigrant, who is passed by the medical inspector as in a fit state of health, and able, in point of physical condition, to journey to and labor in a labor district, shall execute a contract with the employer with whom he intends to contract before he is forwarded from the depôt. Such

contract shall, in the presence of the superintendent of emigration, be signed in duplicate both by the emigrant and by the employer with whom he intends to contract, or his agent. The contract may be written or printed, or partly written and partly printed, and shall be on substantial paper. Before the emigrant signs the contract, the superintendent shall personally explain it to him, and shall attest such contract and certify at the foot thereof that he has personally explained the same. An abstract of every such contract shall be entered in a register to be kept by the superintendent for the purpose, and after such contract has been so entered, one of the duplicates shall be given to the emigrant, and the other to the person with whom he has contracted or his agent.

The superintendent shall, within seven days after the entry of such abstract, send by post a certified copy of every such abstract to the magistrate of the district in which the service under such contract is agreed to be performed.

Penalty on emigrant refusing to execute contract.

58. Any emigrant who, without reasonable cause, refuses to execute such contract in conformity with the engagement previously registered shall, on conviction by a magistrate, be punished with a fine equal in amount to the entire cost incurred by, or on behalf of, the contractor, or the garden-sirdar, as the case may be, in engaging, registering, and bringing or forwarding him to the depôt, and shall forthwith be discharged from such depôt. Every fine levied under the provisions of this section shall be paid to the contractor or garden-sirdar on whose behalf or by whom the person from whom such fine shall have been levied was originally registered.

Penalty on contractor failing to provide contract.

59. If within thirty days after the arrival of any emigrant at a depôt, the contractor, or, if he has been engaged by a garden-sirdar, the garden-sirdar on whose behalf or by whom such emigrant has been registered, shall not tender to him for execution such contract as under the provisions of the preceding sections he would be bound to execute, the superintendent may order the contractor or the garden-

sirdar, as the case may be, to pay to him a sum of money sufficient to enable him to return to the place where he was engaged, and in such case such emigrant shall not be bound to execute any contract.

Money ordered to be paid by Superintendent may be advanced by him and recovered.

60. If any contractor or garden-sircar who may be ordered, under the provisions of sections 54, 56, and 59, to pay any sum of money, shall for twenty-four hours omit to comply with such order, it shall be lawful for the superintendent to advance the amount so ordered to be paid to the person named in such order, and to recover from such contractor or garden-sirdar or his employer the sum so advanced, with interest at the rate of twelve per centum per annum from the date of such advance.

Chapter 7.—Transport.

Emigrant to be forwarded to labor district with permission of superintendent.

61. When the contract of any emigrant has been executed under the provisions of this Act, he may, with the permission of the superintendent of emigration, be forwarded to the labor district in which he has engaged to labor by the contractor in whose depôt he is residing, or by the employer with whom he has made the contract, or his agent. Every such emigrant shall be furnished with a pass in the form set forth in Schedule (E) annexed to this Act, signed by the contractor or garden-sirdar, as the case may be, and countersigned by the superintendent of emigration, and by the embarkation agent at the place at which the laborer embarks, specifying his name and age, the name of his father, the place of his destination, and the name of his employer. Every such pass shall be entered in a book to be kept by the embarkation agent, and shall be dated and numbered in a consecutive series.

To be furnished with a pass.

Vessel must be licensed to carry emigrants.

62. It shall not be lawful for the master of any vessel, without a license granted by the embarkation agent within the local limits of whose authority any emigrant may embark, to convey more than twenty emigrants at any one time to or towards any labor district.

A fee not exceeding four annas for every emigrant shall be paid for every such license, and it shall be in the discretion of the embarkation agent to whom application is made to grant or withhold any such license. Such license shall be in force for only one voyage to one or more of the labor districts, and shall specify the number of emigrants which the vessel is licensed to carry and the number of persons (including the crew) other than emigrants whom such vessel is licensed to carry.

Fee for license.

The master of any vessel, in which at one time more than twenty emigrants are conveyed without a license having been obtained as aforesaid, shall, on conviction by a magistrate, be punished with fine.

Penalty for carrying without a license.

63. Such license shall state the date on which the vessel shall leave the place at which the emigrants are to embark. If the vessel does not leave such place and proceed on its voyage within 24 hours of the day fixed, the master thereof shall, on conviction by a magistrate, be punished with fine for each day during which the vessel remains at or within five miles of the place of embarkation. Provided that such penalty shall not be incurred if the delay is caused by or with the sanction of the embarkation agent, or by any casualty incidental to or attending navigation, or is due to other reasonable and sufficient cause.

Penalty for delay in despatching vessel.

64. If the master of any vessel, after having obtained a license as aforesaid, fraudulently does or suffers to be done any act or thing whereby the state of the vessel is altered, so that such vessel is unfit for the accommodation of the number of emigrants mentioned in such license, such master shall, on conviction by a magistrate, be punished with fine.

Fraudulent alteration of vessel after grant of certificate.

65. The master of any vessel licensed to carry emigrants, who receives on board his vessel a greater number of emigrants or other persons than the number specified in his license, shall, on conviction by a magistrate, be punished with a

Penalty for receiving on board more passengers than number specified in license.

fine for every emigrant or other person so received in excess of the licensed number.

Two children under ten to be counted as one person.

66. In computing under this Act the number of persons on board of any vessel, two children under the age of ten years shall be reckoned as one person only.

Master not to embark emigrants on vessel carrying more than 20 emigrants without a pass.

67. It shall not be lawful for the master of any vessel, whether licensed or not, to embark any emigrants on board his vessel for conveyance to, or towards a labor district, if the total number of persons to be carried by such vessel (exclusive of the crew, and of any garden-sirdar or other person accompanying the emigrants,) exceeds twenty, unless the emigrants are furnished with a pass by the embarkation agent in the form set out in Schedule (E) of this Act.

Punishment.

The master shall, on conviction by a magistrate, be punished with a fine not exceeding ten rupees for every emigrant illegally taken on board.

No pass without certificate of medical inspector.

The embarkation agent shall not grant any such pass without a certificate from the medical inspector that such emigrants may be allowed to embark without danger to the health of other persons on board the vessel.

Embarkation agent to furnish the master with a list of emigrants on board.

68. The master of a licensed vessel carrying emigrants shall not proceed on the voyage towards a labor district until he has received from the embarkation agent a list of all the emigrants on board.

List what to contain.

Such list shall contain all the particulars noted in the pass of each such emigrant; but if all the emigrants whose names are entered in any one pass embark on board the same vessel, it shall be sufficient if the number and date of such pass are noted in the list. The embarkation agent and the master of the vessel shall together personally ascertain that the number of emigrants on board corresponds with the number entered in such list.

To be compared with emigrants by agent and master.

If the master of such vessel allows any emigrant not entered in such list to proceed in the vessel, he shall, on conviction by a magistrate, be punished with fine.

Penalty for admitting emigrants not in list.

The embarkation agent shall send a copy of the said list or an extract from it to the magistrate of the labor district to which any of the emigrants are proceeding.

Copy of list to be sent to magistrate.

69. There shall be laden under the supervision of the embarkation agent on board of any licensed vessel carrying emigrants to or towards any labor district, at the time of the embarkation of such emigrants, such supplies of provisions, clothing, medical drugs, and other stores, and such medical and other officers, and such cooks and other attendants, as may be required under the rules made by the Lieutenant-Governor under the authority of this Act.

Provisions, medical and other stores, medical officers, cooks, &c.

The master of any such vessel who shall commence the voyage without having on board such supplies of provisions, clothing, medical drugs, and other stores, and such medical and other officers, and such cooks and other attendants, as may be required as aforesaid, shall, on conviction by a magistrate, be punished with imprisonment, simple or rigorous, for a term which may extend to three months, or with fine which may extend to five hundred rupees.

Penalty if master proceeds without

70. No vessel carrying two hundred emigrants shall be allowed to proceed on the voyage unless a medical officer, who is a licentiate in medicine, or who is declared to be qualified for such charge by order of the Lieutenant-Governor, has been appointed to the charge of such emigrants. And any master who shall commence the voyage without having on board such medical officer as aforesaid shall, on conviction by a magistrate, be punished with a fine not exceeding five hundred rupees, and, in default of payment, imprisonment for a term not exceeding three months.

Vessel carrying 200 emigrants must carry a qualified medical officer.

Emigrant not allowed finally to leave vessel at any place other than that mentioned in pass.

71. If the master of any licensed vessel carrying emigrants shall, save as hereinafter is provided, cause or permit any emigrant, whose contract has been executed under the provisions of this Act, finally to leave such vessel at any place other than that named as the destination of such emigrant in his pass, such master shall, on conviction by a magistrate, be punished with fine for each such offence. Provided always, that this section shall not be deemed to prevent the master of any vessel from permitting emigrants to disembark at any place or places on the voyage so long as such disembarkation is not intended or known to be likely to be final; not to prevent the final disembarkation of any emigrants in case of accident or other unavoidable necessity, if such accident or necessity be forthwith reported to the embarkation agent by whom the license of such vessel was granted, and to the nearest magistrate in the district within which such accident may occur or necessity arise.

Master to report arrival of emigrants at every intermediate station where there is a magistrate.

72. Every licensed vessel carrying emigrants shall stop at every place in which a magistrate is stationed, intermediate between the places of embarkation and disembarkation of such emigrants, and shall remain during not less than six hours of daylight unless the magistrate shall permit an earlier departure. The master of every such vessel shall, immediately on arrival, report to the magistrate, or such officer as may have been deputed by the magistrate in that behalf under the provisions of section 89, the number of emigrants on board, the general state of their health, and the number of deaths (if any) which have occurred among the persons who embarked on such vessel.

Any master who wilfully omits to comply with the provisions of this section shall on conviction be punished with fine.

Magistrate may at any time inspect vessel.

73. A magistrate may at any time go on board of any licensed vessel carrying emigrants while within the limits of his jurisdiction, and may inspect the vessel, the emigrants, and

all persons on board. The master and officers of such vessel shall be bound to afford to such magistrate all reasonable facility for such inspection, and to give him all such information respecting the emigrants or other persons on board as may be reasonably required, and respecting any deaths which may have occurred on board, and respecting any other facts which may affect the health of the emigrants.

Master bound to give all information required.

Any master or other officer, who wilfully omits to give any such information to such magistrate, shall on conviction be punished with fine.

Penalty for omission

74. On the arrival of any licensed vessel, or at any time while it is within the limits of his jurisdiction, the magistrate may regulate the communication between such vessel and the land, and may prohibit all persons from leaving the vessel and all persons on land from proceeding on board. And any person not complying with any order made under this section shall on conviction be punished with fine.

Magistrate may regulate communication between vessel and land.

75. A magistrate may, if he has reason to believe that any emigrants on board any licensed vessel within the limits of his jurisdiction are, or are likely to be, affected with any infectious or contagious disease, detain such vessel, and require the civil medical officer of the district or other qualified medical officer to inspect the emigrants on board such vessel, and to report on their health, and whether any or what measures are requisite for the removal or prevention of such disease. After the submission of such report the magistrate may detain the vessel for a further period not exceeding five days for the purpose of carrying out such measures, if any, recommended by the medical officer in his report, and he may further detain at such station for medical treatment any emigrant who is affected with any infectious or contagious disease.

Magistrate may detain vessel for inspection and for removal of disease, and may detain sick emigrants.

76. If it appears to a magistrate expedient that any emigrant, whose contract has been executed under the provisions of this Act, should not be allowed to proceed towards a labor district in consequence of ill health, he may order the detention of such emigrant; and in such case he shall cause all necessary arrangements to be made for the accommodation, support, and medical treatment of such emigrant.

Magistrate may detain sick emigrants, and shall arrange for their accommodation and treatment.

77. All expenses incurred under section 76 by a magistrate, or other officer deputed by him under the provisions of section 89, in respect of any emigrant so detained, shall, with interest at six per centum per annum, be recoverable by him from the contractor by whom the emigrant has been engaged or forwarded; or in the case of an emigrant engaged by a garden-sirdar, from the employer from whom such garden-sirdar received his certificate.

Expenses how to be recovered

78. If it appears to a magistrate that the health of any emigrant (other than an emigrant mentioned in the two last preceding sections) is such that he cannot proceed without endangering the health of those on board, he may order the detention of such emigrant.

Detention of emigrants having infectious diseases.

79. If it appears to a magistrate making an inspection of any licensed vessel that the number of emigrants on board is larger than the number specified in the license, he may remove the excess number and detain them until another opportunity of forwarding them to their destination is found. The necessary expense of maintaining such emigrants, and of conveying them to their destination, shall be recoverable by such magistrate, or other officer who may have been deputed as aforesaid, from the master of such vessel.

Measures to be taken if excess number of emigrants is found on board.

80. In any case in which, on making an inspection of a licensed vessel, a magistrate shall find that any of the provisions of this Act or of any rule made by the Lieutenant-Governor under

Infraction of the Act and rules to be reported

the authority of this Act have not been complied with, he shall report the same to the embarkation agent by whom the license to carry the emigrants was granted to such vessel; and, if the circumstances of the case are such as in such magistrate's opinion make it necessary so to do, he may detain the vessel until the provisions of this Act, or any rule made by the Lieutenant-Governor as aforesaid, have been complied with, so far as to make it possible for the voyage to be further prosecuted with safety and reasonable comfort to the emigrants.

Vessel may be detained.

81. Whenever any licensed vessel carrying emigrants arrives at a civil station at which it is intended that any of such emigrants shall disembark, the master shall immediately give notice of the arrival to the magistrate or such officer as may have been deputed by the magistrate in that behalf under the provisions of section 89, and shall forward to him at the same time the list furnished to him by the embarkation agent under the provisions of section 68, or a copy of so much of the said list as relates to the emigrants who are to disembark. The master shall not permit any emigrants, whose contracts have been executed under the provisions of this Act, to leave the vessel without the order of the magistrate.

On arrival of licensed vessel at the place of disembarkation, the master shall give information to the magistrate.

Immediately on the receipt of such notice the magistrate shall send information of the arrival of the emigrants to the employers with whom they have contracted, or to the agents of such persons. And he shall at the same time direct the civil medical officer of the station, or other qualified medical officer, to go on board such vessel and to inspect such emigrants.

Magistrate shall send information to employer or agent.

And direct medical inspection.

Such medical officer shall, without delay, make a careful inspection of all such emigrants; and, after making such inspection, shall prepare and

Report of medical inspection.

sign a report, in which he shall certify the state of health and general condition of each emigrant so inspected.

Sick emigrants to be detained at station.

82. The magistrate shall detain at the station for medical treatment any emigrant, whose contract has been executed under the provisions of this Act, who is, in the opinion of the medical officer, in such a state of health as to be unfit to proceed to the place at which he has contracted to labor. In such case he shall cause all necessary arrangements to be made for the accommodation, support, and medical treatment of such emigrant, and all expenses so incurred by the magistrate in respect of any emigrant so detained shall, with interest at six per centum per annum, be recoverable by him from the employer with whom such emigrant has contracted.

If necessary provision has been made for the support and lodging of the emigrants, they shall be made over to employer or agent.

83. The magistrate shall also ascertain whether reasonable provision has been made for the support and lodging of emigrants, whose contracts have been executed under the provisions of this Act, from the time of their disembarkation till they reach their final destination. If he is satisfied that such reasonable provision has been made, the employer with whom such emigrants have contracted or his agent shall forthwith take charge of such emigrants, except those, if any, detained under the provisions of the last preceding section. But if such reasonable provision has not been made, or if the employer or his agent shall not be present at the place of disembarkation, the magistrate shall order such arrangements to be made, and incur such expenses as under the circumstances may seem to him necessary; and the amount of expenses so incurred by him in the disembarkation, or in respect of the food, lodging, medicines, hospital attendance, or clothing of the laborers, shall, with interest at the rate of twelve per centum per annum, be recoverable by him from the employer with whom such emigrants have contracted.

If not made, or if employer or agent not present, magistrate to make arrangements.

Expenses recoverable from employers.

If emigrants are to disembark at a place other than a civil station, medical inspection to be made at the civil station last preceding.

84. If it is intended that emigrants, whose contracts have been executed under the provisions of this Act on board of any licensed vessel shall disembark at a place which is not a civil station, the master of such vessel shall report the arrival, as required in section 81, to the magistrate or such officer as may have been deputed by the magistrate in that behalf under the provisions of section 89, at the last civil station which such vessel shall pass before arriving at the said place of disembarkation, and shall not proceed on his voyage until the medical inspection of such emigrants has been made as provided in the said section. The master shall not permit any such emigrants to leave the vessel without the order of the magistrate. Immediately on the receipt of such notice, the magistrate shall send information of the arrival of the emigrants to the employers with whom they have contracted, or to the agents of such persons. When such inspection has been made, the magistrate shall, without delay, authorize the master to proceed on his voyage, provided that he may, if he thinks fit, detain any emigrant who is unfit to proceed under the provisions of section 76.

Disembarkation at such place.

85. On the arrival of any licensed vessel at a place of disembarkation which is not a civil station, emigrants, whose contracts have been executed under the provisions of this Act, who are to disembark at such place, shall, in case the employers with whom they have contracted to labor, or the agents of such persons, be present, be disembarked and given in charge to such employers or agents. Provided that in case the medical officer in charge of such emigrants, if there be any such medical officer, and if there be not, then the master of the vessel in which such emigrants have been conveyed, shall be of opinion that any of such emigrants are in such a state of health as to be unfit to proceed to the places where they have respectively contracted to labor, or that reasonable provision for the support and lodging of such emigrants from the time of their disembarkation till they reach their final destination has

If necessary provision not made, emigrants to be carried on to next station.

not been made, or in case the employers with whom such emigrants have contracted to labor, or the agents of such persons, shall not be present at the place of disembarkation, then and in every such case the emigrants so unfit to proceed, or for whose support reasonable provision has not been made, or whose employers may not be present personally or by their agents, shall be further conveyed in the vessel to the next civil station, and shall be there disembarked, and the place at which they shall be so disembarked shall, for the purposes of this Act, be deemed to be their place of disembarkation.

Family of detained emigrant may remain with him.

86. Whenever an emigrant is detained under the provisions of sections 76, 82, or 84, or is further conveyed under the provisions of section 85, it shall be optional with the wife or husband of such emigrant, as the case may be, to remain with the emigrant so detained, or to be taken forward along with the emigrant so further conveyed. If there are any children, they shall also be allowed to remain, or be taken forward, with the father or mother.

Particulars to be entered in the reports of medical officers.

87. Every medical officer who is required to make a report under the provisions of this Chapter shall submit such report to the magistrate, and shall enter therein the name and age of each emigrant, the name of his father, the place of his destination, and the name of his employer, as set forth in the list prepared by the embarkation agent under the provisions of section 68.

Magistrate to report arrival of all emigrants, and all proceedings, to the superintendent of emigration;

88. The magistrate or other officer deputed by him under the provisions of section 89 shall make a detailed report to the superintendent of emigration of the arrival of all emigrants carried in a licensed vessel, and of all proceedings taken and orders passed by him under the provisions of this Chapter, and shall forward with such report a copy of every report made to him by a medical officer relating to emigrants proceeding to a labor district. He shall also forward to the superintendent any observations which he or the medical officer may think fit to

make in regard to the state of health and general condition of the emigrants. Whenever such reports or observations relate to emigrants carried in a licensed vessel, he shall forward them to the embarkation agent by whom such emigrants were despatched, and the agent shall transmit them to the superintendent with any remarks which he may desire to record.

in certain cases through the embarkation agent.

89. The magistrate of a district, or of a division of a district, may depute any subordinate magistrate to exercise the powers and authorities conferred, and perform the duties imposed on a magistrate under the provisions of sections 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, and 88.

Magistrate may depute a subordinate magistrate to discharge the functions of the magistrate.

90. Every master of a vessel, or medical officer in charge of emigrants on board of any vessel carrying emigrants, who shall wilfully and knowingly neglect or refuse to obey or to enforce on board of such vessel any rule which may from time to time be prescribed by the Lieutenant-Governor under the authority of this Act, shall, on conviction by a magistrate, be punished with fine.

Penalty, if master or medical officer neglects to enforce rules.

91. Any offence against any of the provisions of this Chapter, or of any rule made by the Lieutenant-Governor under the authority of this Act, committed on board of any vessel, may be tried by any magistrate exercising jurisdiction in any place at which emigrants may have embarked on board such vessel, or may have disembarked from such vessel, or in any place in which such vessel may be detained under the provisions of this Act.

Jurisdiction, if offence created by this Act is committed on board.

92. Any emigrant whose contract has been executed under the provisions of this Act, who deserts while in transit from the district in which he has been registered to the district in which he has engaged to labor, may, on conviction by a magistrate, be punished with imprisonment, simple or rigorous, for a period which may extend to three months. Such offence may be inquired into and tried in the

Punishment of emigrant for desertion.

district in which such emigrant is apprehended, or in the district in which the desertion took place, or in the district in which he was registered.

Provisions of sections 27, 29, 30, 31, 51, 54, 56, 69, 75, 76, 80, 82, 83, and 84, to apply to children, &c., accompanying emigrants.

93. The provisions with regard to engaged natives of India and emigrants contained in sections 27, 29, 30, 31, 51, 54, 56, 69, 75, 76, 80, 82, 83, and 84, of this Act, shall be applicable to such women, children, and aged relatives of such natives and emigrants as may, with the consent of a contractor, recruiter, or garden-sirdar, as the case may be, and with the written permission of the registering magistrate or superintendent, accompany them without having entered into an engagement.

Provisions of this Chapter not to apply to domestic servants, &c.

94. The provisions of this Chapter shall not apply to domestic servants, or to any person proceeding alone or accompanied by his wife and family only.

PART III.—LABOR DISTRICTS.

Chapter 8.—Inland Labor Transport Fund.

Annual rate payable by employers.

95. The Lieutenant-Governor may from time to time, by order published in the *Calcutta Gazette*, fix a yearly rate, not exceeding one rupee and eight annas per laborer, for the purpose of defraying the expense of carrying out the purposes of this Act; and the sum or rate so fixed shall be paid half-yearly by each employer on the last day of July and the last day of January in each year for each laborer entered in the last return of laborers furnished (as is hereinafter provided) by such employer before such date.

Payment of rate how to be enforced.

96. If any employer shall fail to comply with the provisions of the last preceding section, it shall be the duty of the magistrate to notify such default to him; and if, within one month from the receipt of such notification, or such longer period as may, under special circumstances, appear to the magistrate reasonable, such employer shall not so

comply, the magistrate shall, by distress and sale of any moveable property which may be found in the possession or under the charge of such employer, levy the sum so payable.

If there shall be no such moveable property, or insufficient moveable property so found, the amount shall be recoverable by a civil regular suit from the person for whose benefit the laborers in respect of whom the same may be payable shall have been employed. In every such suit the Government shall be named as plaintiff, and the cause of action shall be taken to have arisen within the limits of the jurisdiction of any court having jurisdiction at any place where any such laborers may have been employed by such employer.

Fines, fees, and rates, to be credited to "Inland Labor Transport Fund."

97. Subject to the powers conferred on a magistrate by this Act or by the Code of Criminal Procedure, of awarding fines in whole or in part as compensation to or for the benefit of any complainant or other person, all fines, fees, and rates levied and paid under this Act shall be credited to a fund which shall be called the "Inland Labor Transport Fund," and such fund shall be at the disposal of the Lieutenant-Governor for defraying the expenses of carrying out the purposes of this Act.

Chapter 9.—Inspectors' Returns and Magistrates' Inspections.

Appointment of inspectors and assistant inspectors.

98. The Lieutenant-Governor may appoint in any labor district so many inspectors and assistant inspectors of laborers as he may think proper, and may define, by notification in the *Calcutta Gazette*, the local limits within which each such inspector and assistant inspector shall exercise the powers and authorities conferred, and perform the duties imposed on him by this Act. Such inspectors and assistant inspectors may be by the said Lieutenant-Governor vested with all or any of the powers of a magistrate.

Establishment.

99. The Lieutenant-Governor may authorise inspectors and assistant inspectors to entertain such establishment as he may think fit. An assistant

inspector shall perform all such duties and exercise all such powers of an inspector as he is authorized in writing by the inspector to perform or exercise.

Duty of assistant inspector.

100. Every employer shall, on or before the last day of January and the last day of July in each and every year, make out in writing, and deliver to the inspector of laborers, a return of the number of all laborers (as well laborers defined by this Act as others) employed by such employer on the last day of the preceding month, and return of the sickness and mortality among the laborers during the preceding six months.

Half-yearly report of laborers employed, of their state of health, and of mortality.

Such returns shall be kept separate with regard to each class of laborers as above mentioned, and, in the case of laborers as defined by this Act, the return of laborers employed shall specify the date on which the contract of each laborer commenced, and the period of service contracted for.

Separate returns of each class of laborers to be kept.

Copies of such returns shall be entered in a book to be kept by the employer at his place of business or on his estate.

Copies to be kept.

101. If any laborer shall die, desert, complete his contract, or obtain a release therefrom during the six months preceding any such return as in the last preceding section is mentioned, the fact of such death, desertion, completion of contract, or release, shall be entered, in the book to be kept as aforesaid by the employer, opposite the name of such laborer

Entry to be made of death, desertion, &c.

102. On the arrival of any laborer, as defined by this Act, on the estate of his employer, the name and description of such laborer shall be entered in the book to be kept as aforesaid by the employer, and in like manner the name and description of every person, who shall contract to labor otherwise than under the provisions of this Act, shall be so entered. Such book shall be open to the inspector of laborers, who shall have power to muster

Entry to be made of name and description of laborer.

all laborers and other persons lastly hereinbefore mentioned, and to verify the accuracy of the entries in such book.

Penalty for omission to furnish such report or for submitting false report.

103. If any employer shall refuse or wilfully omit duly to send in any such return, or shall knowingly send in an incorrect return, such employer shall, on conviction by a magistrate, be punished with fine.

Periodical inspection of laborers to be made by inspector.

104. Every inspector of laborers shall once within each of such periods as may be fixed for such purpose by the Lieutenant-Governor, visit all lands within the limits of his authority on which there shall be employed any laborers, and inspect every hospital, tent, camp, or building in any way used by any such laborers, and investigate the condition of the laborers employed; and for such purpose the inspector may require that any laborer shall be brought before him with his contract, and may make such inquiries as may to him seem proper. Every such inspector shall keep books, in which from time to time shall be entered the number of laborers then under contract with each employer, the number who shall then be sick or missing, or who shall have complained of ill-treatment, the particulars of such complaints, and such other particulars regarding the laborers as the Lieutenant-Governor shall from time to time direct. Each inspector shall annually make a written report to the Lieutenant-Governor through the Commissioner of the division of the aforesaid particulars: and every such report, as regards the laborers under any particular employer, shall, at all reasonable times, be open to the inspection of such employer or any person by him appointed in writing in that behalf, and the person so inspecting shall be entitled to take a copy of the report so far as it relates to such laborers.

Books to be kept by inspector.

Annual report.

Such report open to inspection by employer.

Magistrate may at any time inspect laborers' buildings used by them, &c.

105. It shall be lawful for any magistrate exercising jurisdiction in the district, or any person authorized by him in writing in that behalf, at any time to enter and inspect any hospital,

tent, camp, or building, wholly or partially used by or for laborers, and to require that any laborer shall be brought before him with his contract, and to make any inquiries which he may think proper touching the condition or treatment of any laborer.

Penalty for obstructing inspection or inquiry.

If any employer, or other person acting for or under such employer, wilfully obstructs or impedes any entry, inspection, or inquiry, made under either of the two preceding sections, such employer or other person as aforesaid shall, on conviction by a magistrate, be punished with fine not exceeding five hundred rupees for each such offence.

Chapter 10.—*Regulation of Labor.*

Schedule of daily tasks to be framed.

106. Every employer shall, from time to time, with the sanction of the inspector previously obtained, fix the daily tasks to be executed by the laborers employed by such employer, and shall frame a schedule of such daily tasks, and publish the same by posting a copy thereof in the Bengali language upon the door of each place of payment of the laborers employed by such employer, and by sending a copy thereof in the English language to the inspector.

Maximum amount of labor.

107. No laborer shall be bound to work under his contract more than six days in one week, or more than six hours consecutively, or more than nine hours on any one day.

Inspector may submit schedule to a committee.

108. If at any time the inspector considers such schedule of daily tasks or any part thereof to be unreasonable, he shall refer the consideration of such schedule to a committee consisting of the inspector, of some employer to be nominated by him, and of some person to be nominated by the employer whose schedule is to be considered, or, on his default, by the inspector.

Committee to revise schedule.

109. In case the said committee or the majority in number thereof are of opinion that the daily tasks in such schedule contained, or any of them, are unreasonable, they shall modify and reduce such daily tasks in such manner as they shall deem reasonable, and such schedule so

modified shall be published in manner aforesaid, and every schedule published as aforesaid shall have effect as between the employer and labourers in substitution for any former schedule.

Chapter 11.—*Incapacity for Labor.*

Inspector may suspend contract of any laborer temporarily unfitted for labor.

110. It shall be lawful for the inspector of laborers, within the local limits of whose authority any laborer may be employed, to suspend, for such period as he shall consider advisable, the contract of such laborer, or any particular term thereof, if such laborer shall be, in the judgment of such inspector, temporarily unfitted for the performance thereof by reason of sickness, pregnancy, or other sufficient cause. Provided that every such suspension shall be endorsed by the inspector on the contract. Provided also that every such laborer shall, during such incapacity, receive such subsistence money from his employer as shall be considered sufficient by the inspector, and that the time during which the suspension continues shall not be reckoned as part of the term for which the laborer is bound to serve.

Penalty for compelling laborer to perform work for which he is unfit.

111. If it shall be found that any laborer has been compelled to perform any species of labor for which he was at the time unfit, the employer by whom he was so employed shall, on conviction by a magistrate, be punished with fine.

Discharge of laborers permanently incapacitated.

112. If, in the opinion of the inspector of laborers, any laborer shall be permanently incapacitated for the performance of his contract or any material part thereof, the inspector shall certify to that effect in writing, and deliver such certificate to the employer of such laborer or some one on his behalf, and from the date of such certificate the contract of such laborer shall wholly cease and determine. The inspector shall make a return of all such cases of determination of contract in his report under Section 104. Every laborer whose contract shall have been determined as aforesaid shall be entitled to receive from his employer such sum, not exceeding three months' wages, as the inspector may award, and such sum

shall be recoverable before a magistrate in the manner hereinafter provided for the recovery of wages.

Chapter 12.—*Necessary Provision for Laborers.*

Sufficient house accommodation, water-supply, and sanitary arrangements, to be provided.

113. Whenever any laborers shall be employed in any labor district, the employer of such laborers shall be bound to provide for them sufficient and proper house accommodation, water-supply, sanitary arrangements, and rice.

Hospital, medicines, &c., to be provided.

114. Every employer shall be bound to provide for his laborers sufficient hospital accommodation and such medicines of such quality and description, and according to such scale, as shall from time to time be fixed by the Lieutenant-Governor; and if three hundred or more laborers shall be employed by any employer, it shall be the duty of such employer to place in medical charge of such laborers a medical officer holding a medical diploma as licentiate in medicine from some Indian or European collegiate institution authorized to grant diplomas, or an officer for the time being licensed by the local Government to act in such medical charge of laborers.

Inquiry whether employer has failed to provide as required by the rules.

115. It shall be lawful for any inspector or assistant inspector, who is himself a magistrate, to institute within his jurisdiction, on the lands in charge of any employer, or at some place within his jurisdiction not more than ten miles distant from such lands, an inquiry whether such employer has provided for his laborers sufficient and proper house accommodation, water-supply, sanitary arrangements, or rice. On the complaint of any inspector or assistant inspector a similar inquiry may be made by a magistrate.

Punishment for gross neglect as to house accommodation, &c., and for wilfully omitting to comply with the order of the magistrate in such respect.

116. If the employer is convicted of gross neglect in not having provided sufficient and proper house accommodation, water-supply, sanitary arrangements, or rice, such employer shall be punished with a fine not exceeding five hundred rupees. In any case where a magistrate shall find that proper or sufficient house accommodation,

water-supply, sanitary arrangement, or rice, has not been provided, he may order the employer to provide such proper and sufficient house accommodation, water-supply, sanitary arrangements, and rice. If the employer wilfully omits to comply with such order, he shall, on conviction, be punished with a fine not exceeding one hundred rupees a day for every day that such omission continues. In default of payment by the employer of the last mentioned fine, the person on whose account such employer has been acting shall be liable to pay the fine.

Penalty for failure to provide hospital accommodation, &c.

117. Wherever such sufficient hospital accommodation or such medicines of such quality and description, and according to such scale, or such medical officer as aforesaid, shall not have been provided, the employer or other person through whose wilful default the same shall not have been provided shall, on conviction by a magistrate, be punished with fine for every week during which any such default continues.

Chapter 13.—*Localities unfit for the residence of Laborers.*

Inspector to report.

118. If an inspector of laborers shall at any time have reason to believe that any estate or portion of an estate situated within the limits of his jurisdiction is by reason of climate, situation, or condition unfit for the residence of laborers, he shall give notice in writing of his opinion to the magistrate of the district, and such magistrate shall forthwith summon a committee to inquire into the fitness of such estate or portion thereof for the residence of laborers. Such committee shall consist of the magistrate, the inspector of laborers, the medical officer of the district, and one or more employers of laborers, when such persons are available. If the magistrate is unable to procure the service on such committee of any employer of laborers, he may, with the sanction of the commissioner of the division, appoint one or more persons whom he may deem qualified.

Magistrate to summon committee.

Proceedings of committee.

Such committee shall proceed, with as little delay as possible, to inquire into the healthiness of the estate or portion thereof to which the order appoint-

ing the committee has reference, and shall hear such information on the subject as the owner of the estate, or the employer or inspector, may desire to place before it; and if such committee, or the major part in number thereof, shall be of opinion that such estate or any portion thereof be unfit for the residence of laborers, it shall record a finding to that effect; and the contract of every laborer who shall have contracted to serve on such estate shall thereupon be void as regards such estate or portion of estate as may be found unfit for the residence of laborers.

If committee finds unfit, contract to be void as regards such locality.

Provided that every such contract shall continue valid with regard to any other portion of such estate or to any other estate of the same employer in the same district.

Proviso as regards other localities.

119. If it shall at any time appear that the number of laborers (as well laborers defined by this Act as others) who have died on any estate or portion of an estate during the preceding twelve months, bears a larger proportion to the whole number of laborers (as well laborers defined by this Act as others) employed thereon during such period than 7 per centum, or if the average annual number of laborers (as well laborers defined by this Act as others) who have died on such estate or portion thereof during the preceding three years bears a larger proportion to the whole number of laborers (as well laborers defined by this Act as others) employed thereon during such period than 7 per centum, it shall be lawful for the Lieutenant-Governor to direct the civil medical officer of the district, or other qualified medical officer, to inquire into and report on the following matters:—

Lieutenant-Governor how to proceed if mortality in past year exceeds 7 per cent, or if the average of 3 years exceeds 7 per cent.

Matters to be inquired into.

(1)—The cause or causes of such mortality.

(2)—The want (if any) of due care or precaution and of the adoption of proper and available sanitary measures, on the part of the owner of such estate or portion thereof or the employer, causing or contributing to such mortality.

(3) The fitness or otherwise of such estate or portion thereof for the residence of laborers and the reasons thereof.

Medical officer to report.

Such medical officer shall proceed with as little delay as possible, and shall hear and record such information on the subject of the several matters aforesaid as the owner of such estate or portion thereof, or the employer or inspector may desire to place before him, and shall visit and inspect such estate or portion thereof, and shall make his report expressing the reasons of his opinion, and transmit the same with the recorded information and notes of his inspection of such estate or portion thereof, to the Lieutenant-Governor.

Lieutenant-Governor may declare estate unfit for residence.

If the Lieutenant-Governor, after perusal and consideration of the said report, information and notes, shall be of opinion that such mortality was caused by the want of due care or precaution and of the adoption of proper and available sanitary measures on the part of the owner of such estate or the employer, and that such estate or portion thereof is unfit for the residence of laborers by reason of the want of due care or precaution, and of the adoption of proper and available sanitary measures on the part of the owner of such estate, or portion thereof, or the employer, it shall be lawful for the Lieutenant-Governer to declare in writing that such estate or portion thereof is unfit for the residence of laborers.

Contracts to be void as regards that estate.

Such declaration of the Lieutenant-Governor shall have the same effect as the finding of a committee under the last preceding section.

Penalty on employer permitting laborer to reside in locality declared to be unfit.

120. Every employer who shall cause or permit any laborer to reside upon any such estate or portion of an estate as under the provisions of either of the two preceding sections may have been found to be unfit for the residence of laborers, shall, on conviction by a magistrate, be punished with fine. Provided always that in case it shall appear to the inspector that any such estate, or portion of an estate, or any part of such portion, has become fit for the residence of laborers, he shall, with the sanction of the magistrate of the district, give under his hand a certificate of

such fitness, and no employer shall be liable to fine by reason of his causing or permitting laborers to reside in any place respecting which such certificate of fitness shall have been given.

Chapter 14.—*Offences committed by Laborers.*

Penalty on laborer for absenting himself without sufficient cause.

121. Any laborer who shall absent himself from his labor without sufficient cause may, on conviction by a magistrate, be sentenced to lose all claims to wages or allowances during the period of such absence, and also to forfeit to his employer a sum not exceeding four annas for each day during which such absence shall be continued; and in case such absence shall have exceeded seven days, or in case such laborer shall have been already convicted of the same offence within a period of three months, such laborer shall be furthermore sentenced to rigorous imprisonment for fourteen days.

Deserting may be apprehended without warrant.

122. If any laborer deserts from his employer's service, and no magistrate is resident within ten miles of the place where such laborer may be found, such employer or any other person acting in his behalf may, without first procuring a warrant, and without the assistance of any police officer (who, nevertheless, shall be bound to give such assistance if called upon to do so), apprehend such laborer. Provided, nevertheless, that if such laborer be found in the service of another employer he shall not be arrested without a warrant. Provided also that any person who shall apprehend a laborer under the provisions of this section, shall without delay give the said laborer in charge at the nearest police station, and there enter the charge upon which he shall have apprehended such laborer.

To be taken to nearest magistrate.

Any laborer so given in charge shall be conveyed without delay to the nearest magistrate; and if such magistrate be authorized to deal with the case, he shall himself adjudicate upon the charge; but if not, he shall forward the said laborer under custody to the magistrate, or bench of magistrates authorized to deal with such case, who shall thereupon adjudicate upon such charge.

Procedure upon complain of desertion.

Upon complaint made to a magistrate by an employer, or any person acting on his behalf, that a laborer has deserted from his employer's service, such magistrate may issue a summons for the attendance of such laborer, or a warrant for his arrest, and appoint a day for the hearing of the complaint without previously examining the complainant.

Punishment.

Every laborer who deserts from his employer's service shall on conviction be punished with rigorous imprisonment which may extend to one month; and every laborer, who after having been convicted of desertion, shall again desert from his employer's service, shall, on conviction as aforesaid, be punished with rigorous imprisonment for a period which may extend to two months; and every laborer who, after having been twice convicted of desertion, shall again desert shall, on conviction as aforesaid, be punished with imprisonment, simple or rigorous, which may extend to three months.

Compensation for wrongful arrest.

If it appears to the magistrate, or to the bench of magistrates adjudicating upon any such charge as is mentioned in this section that such laborer has been apprehended or arrested without sufficient cause, it shall be lawful for such magistrate or bench of magistrates to impose a fine not exceeding fifty rupees on the employer at whose instance such laborer has been apprehended or arrested, or to award compensation not exceeding fifty rupees to such laborer, and such compensation shall be paid by the employer at whose instance such laborer has been apprehended or arrested.

Conviction not to operate as a release

123. On the expiry of any sentence of imprisonment for any offence under this Act, save as is provided in section 124, it shall be the duty of the magistrate to make over such laborer to any person appointed on the part of his employer to receive charge of him; and no conviction under this Act or imprisonment under such conviction shall, save as is provided in section 124, be held to operate as a release to any laborer from the terms of his contract Provided, nevertheless, that the period of imprisonment shall in no case be prolonged

by reason of there being no person present on the part of the employer to take charge of the laborer at the expiry of his sentence; but such laborer shall in that case be sent to the principal place of business of such employer, and the expense of such conveyance shall be levied from the employer in the manner provided in section 96.

Cancellation of contract by desertion.

124. Whenever any laborer shall have atcually suffered imprisonment amounting in the whole to six months for desertion from his employer's service, it shall be lawful for the inspector, and he is hereby required, to cancel the contract of such laborer, and every such cancellation shall be certified by the inspector on the back of the contract.

Portion of sentence may be cancelled on application of employer.

125. The employer, or any person authorized to act for the employer, of any laborer imprisoned for any offence under this Act, may apply to a magistrate, at any time previous to the expiry of such sentence, that such laborer be made over to him for the purpose of completing his contract; and such magistrate may, if he see good cause, make over or forward such laborer to his employer; and in that case such magistrate shall cancel the remainder of the sentence passed on him, and shall endorse on the contract of such laborer a memorandum signed by him of such cancellation.

Expense of restoring deserting laborer to be paid by employer.

126. Every employer who obtains an order for the return or forwarding of any laborer who has deserted, shall pay the expense incurred in such return or forwarding, and shall, before the order is issued, deposit with the magistrate such sum as such magistrate may in his discretion deem to be sufficient for defraying the expense of such return or forwarding.

Time of unlawful absence or imprisonment to be excluded from contract period.

127. The duration of every unlawful absence from labor, of which any laborer may be convicted, and every sentence of imprisonment for any offence under this Act, shall be endorsed on the contract at the time of its being passed, by the officer passing it; and no such period of imprison-

ment or unlawful absence so endorsed shall be reckoned as part of the term for which the laborer is bound to serve, but such term shall extend to such further period as shall be equivalent to the aggregate amount of the imprisonment and unlawful absence so endorsed.

Other person enticing away, harbouring, or employing laborer under contract.

128. Any person who knowingly and wilfully entices away, harbours, or employs, or attempts to entice from his employment, any laborer, before such laborer shall have been lawfully released from his contract, shall on conviction by a magistrate be punished with fine the whole or any portion of which may be awarded to the employer of such laborer.

Chapter 15.—Complaints made by Laborers.

Employer to give notice to inspector if laborer wishes to complain of personal ill-usage or breach of contract.

129. If any laborer states to his empolyer, or to any person acting for such employer, that he desires to make a complaint to the inspector of laborers of personal ill-usage or breach of any provision of this Act on the part of such employer or other person, the person to whom such statement is made shall, within forty-eight hours, send notice thereof in writing to the inspector, and in default of so doing, such person shall, on conviction by a magistrate, be punished with fine.

Inspector how to proceed on receipt of notice, or if complaint is made to him,

130. Whenever any inspector of laborer receives such notice in writing as aforesaid, or whenever any complaint of personal ill-usage or breach of any provision of this Act as aforesaid, is made to him by any laborer against his employer, or any person acting for such employer, or whenever the inspector has other reasonable grounds for believing that any such personal ill-usage or breach of any provision of this Act as aforesaid has been suffered by a laborer, such inspector shall forthwith, if the place in which such offence has been committed is not situated within the limits of his own authority, give notice thereof in writing to the inspector within the limits of whose authority such place is situated;

or if he has reason to believe that there is ground for a complaint.

and if such place be situated within the limits of his own authority, then such inspector shall, so soon as conveniently may be, proceed to some place not more than ten miles from the principal place of business of such employer, and make full inquiry into the matter complained of.

Procedure.
Penalty for obstructing service of, or disobedience to, summons.

131. For the purposes of such inquiry the inspector may summon such laborer and any witnesses. If any employer, or other person acting for or under such employer, in any way wilfully obstructs the service of, or obedience to, such summons; or if the laborer or any witness summoned intentionally omits to attend as required in such summons, he shall, on conviction by a magistrate, be punished with fine.

If complaint is untrue or frivolous.

132. If, upon such inquiry made on the complaint of a laborer, the inspector is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his opinion respecting it, and shall dismiss the complaint, and in such case shall endorse on the employer's copy of the contract of such complainant the number of days during which such complainant has been absent from work in consequence of such inquiry, and such number of days shall be added to the period of the contract of such complainant.

If complaint is well-founded.

133. If, upon inquiry as aforesaid, the inspector is of opinion that the complaint is well-founded, he shall, if himself a magistrate, dispose of the case according to due course of law. If the inspector shall not be a magistrate, he shall without delay send the complainant and his witnesses to the nearest magistrate, and such magistrate shall thereupon dispose of the case according to due course of law.

Recovery of arrears of wages.

134. If, upon the complaint of any laborer, it is proved to the satisfaction of a magistrate that the wages of such laborer are in arrear for two months, it shall be lawful for the magistrate to award to such

laborer the amount which shall appear to be then due to him; and also, by way of compensation, such further sum, not exceeding that amount, as shall appear to such magistrate to be just; and in case of default, the magistrate shall levy the entire sum by distress and sale of any movable property which may be found in the possession or under the charge of such employer.

Compensation may be given if arrear is for two months.

135. If any employer, or any person placed in authority over any laborer by such employer, shall be convicted of any offence causing injury to the person or property of such laborer triable under the Code of Criminal Procedure by the court of session; or if any such employer, or other person as aforesaid, shall be twice convicted of any such offence against such laborer triable under the said Code by a magistrate; or if it shall be proved before a magistrate that the wages of such laborer are in arrear to an amount exceeding the total of such laborer's wages for four months; or if a magistrate shall, on the report of the inspector and after due inquiry upon oath, in the presence of the parties, be satisfied that any laborer has been compelled to perform any labor while he was unfit for it, or has been subjected to ill-usage by such employer, or any other person placed in authority over the laborer by such employer; it shall be lawful for the magistrate, if he think fit, on the application of the laborer, in each of such cases, to cancel the contract of such laborer, and award to him compensation not exceeding thirty rupees, and every such cancelment shall be certified by the magistrate on the back of such contract.

Contract may be declared cancelled if employer is convicted of maltreatment by session court, or twice by magistrate;

or if wages are in arrear for four months;

or if ill-usage is proved.

Chapter 16.—*Determination of Contract.*

136. Every laborer who has completed the term of his contract shall be forthwith entitled to appear before the inspector or assistant inspector in order that the completion of his contract

Laborer may appear before the inspector to register completion of contract.

may be registered. If an employer detains such laborer after the completion of his contract, or fails to give notice of such completion to the inspector within one month after the date of such completion, such employer shall, on conviction by a magistrate, be punished with fine.

Penalty if employer detains, or omits to report.

137. If any laborer is able and desirous to redeem the unexpired term of his contract of service by payment of a sum equivalent to the value thereof, such laborer may demand to be taken or allowed to go before the inspector of laborers within the local limits of whose authority he may be employed, and on his depositing such sum in the hands of such inspector, such inspector shall give notice to the employer that such laborer requires him within one week to show cause why the contract of such laborer should not be released; and in case no sufficient cause should be shown, such inspector shall require the production of the contract of such laborer, and endorse thereon a certificate of release by purchase, and shall hold the sum in deposit on account of the employer of such laborer. If any employer, or other person authorized to act for the employer, shall neglect to comply with such demand as aforesaid, such employer, or other person as aforesaid, shall, on conviction by a magistrate, be punished with fine.

Power to redeem contract.

The value of the unexpired term of contract shall be deemed to be the aggregate amount of one rupee for every month of the unexpired portion of the first year, of three rupees for every such month of the second year, and of five rupees for every such month of the third year, of the original term of the laborer's engagement.

Value of unexpired term of contract

138. Every laborer, the period of whose contract has expired, or whose contract has been rescinded by the mutual consent of the parties thereto, or whose contract has been cancelled or redeemed under the provisions of this Act, shall be entitled to receive forthwith from the inspector a certificate of release in the form set forth in Schedule (F) annexed to this Act.

Certificate to be given of determination of contract.

SCHEDULE A.

(*See Section* 15.)

FORM OF CONTRACT BETWEEN EMIGRANT AND EMPLOYER.

"THIS contract made under Bengal Act VII of 1873, between (*emigrant's name*) of the one part and (*employer's name*) of the other part. Whereas the said (*employer's name*) has promised the said (*emigrant's name*), (hereinafter called 'the emigrant') that, if he the said emigrant do proceed to the district (*name of*) in (*name of labor district*) and do remain and labor therein on the estate of the said (*employer's name*), his successors, representatives and assigns (hereinafter called 'the employer'), he, the said employer, will, from the date of the arrival of the said emigrant on such estate, pay or cause to be paid to the said emigrant Rs. as wages for such labor monthly, for years from the date of the arrival of the said emigrant on such estate, and that during such period he, the said employer, will supply or cause to be supplied to the said emigrant rice according to the rules prescribed by the Lieutenant-Governor of Bengal under the said Act at a price not exceeding

"Now this contract witnesseth that the said emigrant doth hereby, in consideration of the aforesaid promise by the said employer and of the agreement by him hereinafter contained, agree with the said employer that he, the said emigrant will, so soon after the execution of these presents, as he shall be required so to do, proceed to the said district (*name of*) in (*name of labor district*), and will there remain and labor on the estate of the said employer for a period of years from the date of his, the said emigrant's, arrival on such estate. And this contract further witnesseth that the said empolyer doth hereby, in consideration of the said agreement by the said emigrant, agree with the said emigrant that he the said employer will, with all convenient despatch, after the execution of these presents, convey or cause to be conveyed the said emigrant free of all costs unto the estate of the said employer in the district aforesaid, and will from the date of his, the said emigrant's, arrival on such estate employ the said

emigrant as a laborer for the period aforesaid, and will pay or cause to be paid to the said emigrant Rs. as wages for such labor monthly, and will supply or cause to be supplied to the said emigrant rice according to the rules prescribed by the Lieutenant-Governor of Bengal under the said Act at a price not exceeding

In witness whereof the said parties to these presents have hereunto set their hands the day of 187 ."

Form of Description of Emigrants.

Name of laborer.	Father's name	Age	Sex	Caste	Residence			Period of service
					Zillah	Pergunnah	Mouzah	

Note.—If the contract is one under sections 24 or 25, it must be signed by the garden-sirdar on behalf of the employer; if under section 57, by the employer with whom the emigrant intends to contract, or his agent. It must, if under section 24, be executed before the magistrate; if under sections 25 or 57, before the superintendent of emigration. The execution of the contract must be attested by the superintendent of emigration or by the magistrate, who must also append to the foot thereof a certificate to the following effect:—

"I hereby certify that before the within-mentioned (*emigrant's name*) signed this contract, I personally explained it to him.

Sd. ————

Superintendent of Emigration, or Magistrate."

SCHEDULE B.

(*See Section* 16.)

FORM OF GARDEN-SIRDAR'S CERTIFICATE.

"*Garden-Sirdar's Certificate, required under Section* 16 *of Bengal Act VII of* 1873.

Name of Garden-Sirdar.	Father's name.	Caste.	Age.	Height.		General appearance and characteristic marks.	Name of place and description of lands on which labor is to be performed.	District (or Calcutta) where natives are to be engaged.	Number of natives the bearer is authorized to engage.	*Name of contractor to whose depôt natives should be conveyed.	Remarks.
				Feet.	In.						

**N.B.*—If the number of natives engaged exceed twenty, they will have to go to a contractor's depôt.

Countersigned (under Section 19) on the 187 six months from which date this certificate ceases to be in force.

(Sd.)

Employer."

Magistrate of *Dated* 187

SCHEDULE C.

(*See Sections* 14 *and* 33.)

FORM OF CONTRACTOR'S LICENSE.

"A. B. is hereby licensed to act, throughout the provinces under the control of the Lieutenant-Governor of Bengal, as a contractor for engaging and supplying natives for the purpose of laboring for hire in the districts of Assam, Cachar, and Sylhet,

under the provisions of the Labor Districts Emigration Act VII of 1873 (B.C.)

This license will be in force for one year only, from this date.

Dated Calcutta, the day of

(Sd.) M. N.,

Superintendent of Emigration."

SCHEDULE D.

(*See Sections* 14 *and* 38.)

FORM OF RECRUITER'S LICENSE.

"C. D. is hereby licensed to act on behalf of A. B., a licensed contractor, as a recruiter for engaging or inducing natives to proceed to the districts of Assam, Cachar, and Sylhet, for the purpose of laboring therein for hire, under the provisions of the Labor Districts Emigration Act VII of 1873 (B.C.)

This license will be in force for one year only, from this date.

Dated Calcutta, the day of

(Sd.) M. N.,

Superintendent of Emigration."

SCHEDULE E.

(*See Sections* 61 *and* 67.)

FORM OF EMIGRANT'S PASS.

Name of emigrant.	Age.	Father's name.	Name of employer.	Place in which emigrant has contracted to labor.	Place of disembarkation.

"The emigrants above described are permitted to embark on the , which will leave on the , for the purpose of proceeding to the district of

Dated the day of

(Sd.) R. M,

Contractor [*or Garden-Sirdar*] (*if any*).

Dated the day of

(Sd.) G. D.,

Superintendent of Emigration (*if required*).

Dated the day of

(Sd.) A. L.,

Embarkation Agent."

Note.—The names of any number of emigrants proceeding in the same vessel may be entered in one pass.

SCHEDULE F.

(*See Section* 138.)

FORM OF CERTIFICATE OF RELEASE ON DETERMINATION OF CONTRACT.

"I hereby certify that the contract entered into on the day of 18 , under Bengal Act VII of 1873, between [*laborer's name*] of the one part, and [*employer's name*] of the other part, has been determined by effluxion of time (or 'by mutual consent,' or 'under the provisions of section of the said Act,' as the case may be).

In witness whereof I have hereunto set my hand day of 187

Inspector of Laborers."

Form of Description of Emigrant.

Name of laborer.	Father's name.	Age.	Sex.	Caste.	Residence.			Period of service.
					Zillah.	Pergunnah.	Mouzah.	

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